UNITED NATIONS

General Assembly

FIFTIETH SESSION

Official Records

THIRD COMMITTEE
45th meeting
held on
Thursday, 30 November 1995
at 3 p.m.
New York

SUMMARY RECORD OF THE 45th MEETING

Chairman: Mr. TSHERING (Bhutan)

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ORGANIZATION OF WORK

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Distr. GENERAL
A/C.3/50/SR.45
29 January 1996
ENGLISH
ORIGINAL: FRENCH

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95-82573 (E)

The meeting was called to order at 3.25 p.m.

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(d) COMPREHENSIVE IMPLEMENTATION OF AND FOLLOW-UP TO THE VIENNA DECLARATION AND PROGRAMME OF ACTION (continued) (A/50/36)

(e) REPORT OF THE UNITED NATIONS HIGH COMMISSIONER FOR HUMAN RIGHTS (continued) (A/50/36 and A/50/743)

1. Mr. LEE (Republic of Korea) said that the fiftieth anniversary of the United Nations had given the international community the opportunity to reaffirm its belief in fundamental human rights, which had been the mainstay of the Organization since its creation. Significant progress had been made in the elaboration of human rights standards, particularly with the adoption of the Vienna Declaration and Programme of Action in 1993. He deplored the continuing flagrant mass violations of human rights taking place throughout the world, and concluded that the protection and promotion of human rights was a long and exacting task which required the undivided attention and vigilance of all members of the international community, from United Nations bodies and national Governments to non-governmental organizations and individuals. Although the protection and promotion of fundamental rights were primarily the responsibility of Governments, as expressly stated in the Vienna Declaration and Programme of Action, cooperation between all human rights actors and the strengthening of

international coordination mechanisms were none the less of paramount importance.

2. Convinced that human rights were the cornerstone of democracy, peace and prosperity, his Government had made the promotion of democracy and human rights one of its principal national and international concerns, paying particular attention to the promotion of the rights of women and children through the adoption of legal and social measures.

3. At the international level, the Republic of Korea had hosted the third regional workshop on human rights questions for the Asia and Pacific region, a mechanism for regional cooperation the relevance of which had been recognized by the Commission on Human Rights in its resolution 1995/48. His delegation regretted that the fourth such workshop, which was scheduled to be held in December 1995, had had to be postponed. Given the lack of any official intergovernmental consultative body on human rights in the Asia and Pacific region and bearing in mind how useful such an arrangement could be, he hoped that the planned workshop would take place as soon as possible.

4. His delegation agreed with the United Nations High Commissioner for Human Rights that the protection of human rights was one of the major objectives embodied in the Charter of the United Nations and that it was closely linked to peace, security and development. He commended the United Nations High Commissioner for Human Rights on the programmes he had established to help countries to prevent and curb human rights violations in their territory; he would like to see the High Commissioner take a more active role in coordinating the efforts of individual countries and would also like human rights to be taken into account in United Nations activities in the field, such as peace-keeping operations or humanitarian programmes. His Government intended to help the High Commissioner in that task by continuing to contribute to the Voluntary Fund for Technical Cooperation in the Field of Human Rights. His delegation fully supported the current restructuring of the Centre for Human Rights, which it believed to be essential if the Centre was to be able to monitor human rights violations in the field effectively and to supply the international community with information on those violations, in coordination with the High Commissioner for Human Rights. He also paid tribute to the remarkable work done by the Special Rapporteurs and the independent experts who had the task of collecting information on human rights violations throughout the world. His delegation reaffirmed its willingness to contribute to the work of the Commission on Human Rights, of which it was a member.

5. His delegation was pleased that human rights questions had been taken up at the recent major international conferences. In fact, by recognizing the need for the equal status and fundamental rights of women to be taken into account in the mainstream of United Nations activities, those conferences had helped to advance the cause of human rights in general, regardless of gender. The decision of the Commission on Human Rights to appoint a Special Rapporteur on violence against women was significant in that respect.

6. On the question of so-called "comfort women" during the Second World War, his delegation unreservedly supported the decision on contemporary forms of slavery (decision 1994/109) taken in 1994 by the Subcommission and paid tribute

to the Special Rapporteur on those questions for his in-depth study on systematic rape, sexual slavery and practices related to slavery in wartime. It would continue to support all measures taken to avoid a repetition of such practices in the future.

7. In the light of the recent wave of discrimination against minority groups, which made the report of the Secretary-General on the effective promotion of the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities (A/50/514) all the more relevant, his delegation believed that coordination of the activities of the United Nations should be encouraged and appropriately financed, as recommended in the report. It also urged the international community to be doubly vigilant, and welcomed the creation of the Working Group on Minorities.

8. Noting that there had been a significant increase in the number of ratifications of the Convention on the Rights of the Child, he said that every effort should be made to achieve universal ratification of outstanding international human rights instruments because protection of human rights required strong human rights instruments. His Government had acceded to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and to the International Labour Organization (ILO) Human Resource Development Convention.

9. Referring to the very important role played by non-governmental organizations in the protection and promotion of human rights, he said that, given their unprecedented contribution to the human rights movement and especially to the development of standards in that area, they should be given greater recognition by the international community.

10. Mr. THEIN TIN (Myanmar) commended the Secretary-General on his report on the situation of human rights in Myanmar (A/50/782), which, with a few exceptions, was a fair and balanced assessment of the positive developments, as well as of what, in the Secretary-General's opinion, still needed to be done in that area. He had, however, been struck by the selectivity and the lack of objectivity and balance that characterized the interim report of the Special Rapporteur on the situation of human rights in Myanmar (A/50/568) and by his statement to the Committee on 27 November 1995. That imbalance was due to the fact that, in his report, the Special Rapporteur had given prominence to allegations of violations of human rights by the Government of Myanmar, only mentioning the Government's responses at the end of his report, in a less prominent position. The Special Rapporteur should have followed the example of the Secretary-General's more balanced report, which gave the point of view of the Government of Myanmar immediately after each allegation, thus giving a fairer reflection of the real situation in the country.

11. Responding to allegations that the armed forces of Myanmar had committed unseemly acts in border areas, he rejected them and insisted that the local population in those areas was experiencing unprecedented levels of progress in the political, economic and social fields and that the armed forces of Myanmar, which had a distinguished history and a fine tradition born of the struggle for independence, were well known for their good discipline and exemplary conduct. It had never been the policy of the Government of Myanmar to condone or connive

at violations of human rights. On the contrary, it had always defended those rights and, when excesses had occurred, those responsible had always been prosecuted and punished, as it had informed the Special Rapporteur in several cases. He found it surprising, therefore, that that information was lacking in the Special Rapporteur's current report, which tended to give a false impression of the armed forces of Myanmar. As for the treatment of women, and contrary to what had been reported by the Special Rapporteur, women in Myanmar enjoyed equal rights with men, including full political, social, economic and civil rights. They had had the right to vote for some 90 years, and they had far more extensive marital rights and rights to inherit their husband's property than the women of many other countries.

12. Myanmar was undergoing a rapid transition to a multi-party democratic system and a market-oriented economy, and its people were living in a climate of stability, peace, prosperity and harmony unprecedented since independence. That progress refuted the statement by the representative of the United States of America who, in her statement to the Committee on 28 November, had maintained that Myanmar was a country where the status quo prevailed. The National Convention, which was currently in session in Yangon, was continuing its work on a draft national constitution. The process of national reconciliation was bearing fruit because since 15 of the 16 existing armed groups had returned to the legal fold and were cooperating with the Government in the development of their regions. Long neglected border areas were also undergoing development unprecedented since independence thanks to a $400 million priority programme launched in 1989. The Government was also energetically and effectively implementing measures to combat the menace of illicit drug trafficking and was cooperating at the subregional level with other countries of the region and the United Nations International Drug Control Programme (UNDCP). At the national level, many prisoners had been released, and the restrictions on Daw Aung San Suu Kyi had been lifted. At the international level, Myanmar enjoyed friendly relations with all countries in a spirit of peaceful coexistence. In 1995, it had acceded to the Treaty of Amity and Cooperation in South-East Asia and it hoped one day to become a member of the Association of South-East Asian Nations (ASEAN). Such significant progress in political, economic and social conditions was contributing to an unprecedented quality of life for the entire population of Myanmar and not merely for the privileged few, as alleged by some critics.

13. His Government was determined to continue along the path of socio-economic development, national reconciliation, democratization and the promotion and protection of human rights. The international community could do no better than to encourage it and help it to attain its goals.

14. Mrs. TOLLE (Kenya) expressed her satisfaction that human rights had become an increasingly important political, cultural and economic issue that would feature prominently on the international scene in the years to come. She stressed that States, the United Nations, intergovernmental bodies, non-governmental organizations and individuals were the main actors in the field of human rights responsible for the protection and promotion of those rights, without any distinction. She welcomed the fact that human rights had become one of the major concerns of the United Nations, culminating in the adoption of the Vienna Declaration and Programme of Action in 1993. Her delegation reaffirmed

its solemn commitment to fulfil its obligations to promote universal respect, observance and protection of all human rights and fundamental freedoms in accordance with the existing international human rights instruments. Her Government had always appreciated and supported the efforts of the United Nations undertaken in accordance with those instruments. It was convinced that the purpose of the administration of justice in human rights must be to strengthen the national and regional capacities of Member States and thereby enable them to protect and promote human rights more effectively in their countries. To achieve that objective, financial, technical and material support must be extended to those developing countries which lacked resources, especially African countries like Kenya, as well as to those United Nations bodies which were directly concerned with human rights questions.

15. Her delegation firmly believed that the establishment of the post of United Nations High Commissioner for Human Rights, pursuant to General Assembly resolution 48/141, had been one of the most significant steps taken in the field of human rights since the adoption of the Vienna Declaration and Programme of Action in 1993, because it emphasized the universality, indivisibility and interdependence of all those rights. She commended the High Commissioner on the pragmatism and effectiveness with which he had discharged his duties since taking office, without losing sight of the fact that all peoples must achieve sustainable and balanced development. His very useful visits to Burundi and Rwanda, as well as to other countries, and the action he had taken to deal with human rights violations in various regions of the world had confirmed the view that human rights violations were taking place in both developing and developed countries alike.

16. The recognition of the right to development as one of the fundamental rights within the competence of the High Commissioner for Human Rights was of particular interest to developing countries. Her delegation therefore called upon the High Commissioner to assist in discouraging the stubborn and protectionist attitude of some countries which were still sceptical about the merits and legality of the Declaration on the Right to Development and, to that end, to assist the Working Group on the Right to Development to identify the obstacles which were preventing all States from exercising their right to development, and to recommend ways of overcoming those obstacles. She hoped that the mandate of the Working Group would be extended to achieve those goals. She also hoped that the High Commissioner would be provided with the human, financial and material resources he needed to carry out fully and in a timely manner the responsibilities entrusted to him in the area of human rights and to strengthen the Centre for Human Rights.

17. Regarding gender inequalities, his delegation supported the recommendation in the Vienna Declaration and Programme of Action, which had also been endorsed in the Beijing Declaration and Platform for Action, that the equal status of women and the human rights of women and the girl child should be integrated into the mechanism of United Nations system-wide activities. Kenya was a signatory of the Convention on the Elimination of All Forms of Discrimination against Women and was committed to ensuring the integration of gender concerns and issues into its national policies and programmes for sustainable development and the strengthening of related mechanisms. His delegation called for transparent communication, consultation, cooperation and coordination between United Nations

bodies dealing with human rights and social and economic development and between those bodies and Governments. Strengthening of United Nations activities to promote and protect human rights should be guided by the principles of non-selectivity, impartiality and objectivity and should not be used for political gains. The United Nations should therefore reject the use of human rights as a political weapon in the areas of foreign policy and development cooperation.

18. Mr. AL-DOURI (Iraq), speaking on agenda item 112 (c), said that Iraq had taken a number of steps to improve its human rights record (referendum on the President of the Republic, general amnesty for all Iraqi prisoners, parliamentary elections to be held in February 1996 and introduction of a multiparty system).

19. Iraq had repeatedly stated that a responsive environment and suitable economic and political conditions were essential to guarantee fundamental rights of the individual, which were the pillar of the Iraqi political and constitutional system. In recent years, the United Nations mechanism had been used to impose comprehensive economic sanctions on several countries, and particularly on Iraq, without the least regard for the catastrophic effects of such sanctions on the basic rights of the peoples of those countries, particularly the right to food, medical services, education and work. In his report to the fiftieth session of the General Assembly, the Secretary-General had stated that the lives of millions of Iraqis were threatened by hunger, which had not deterred the Power that currently dominated the world from deliberately ignoring the humanitarian and legal aspects of such threats or from using the pretext of human rights to serve its political purposes and seeking to overthrow the current legitimate Government of Iraq. Respect for democracy in international relations would have positive repercussions for human rights, whereas the authoritarianism exerted by one or several countries on the activities of international organizations and, consequently, world affairs as a whole, must necessarily lead to the predominance of the interests of those countries at the expense of the majority.

20. The Special Rapporteur's report on the situation of human rights in Iraq (A/50/734) clearly demonstrated that the United Nations was experiencing a credibility crisis as a result of the exploitation of its agencies and mechanisms to serve the narrow interests of some countries, as had been reflected in the discussions of the fiftieth session of the General Assembly. The exploitation of human rights issues to achieve political purposes was clearly manifested in the current report of the Special Rapporteur, as it had been in previous ones, in a manner that was an affront to the Organization's credibility, the loftiness of all human rights principles and even the personality of the Special Rapporteur himself. The Special Rapporteur had become a prisoner to his political position regarding Iraq and refused to acknowledge the consequences of military intervention and the effects of sanctions on the basic human rights situation in Iraq. At the same time, he disdained any initiative taken by the Iraqi Government to improve that situation and sought to distort Iraq's reputation, as was clear from his statement to the Third Committee on 24 November 1995. Pending a detailed response to be sent by the Iraqi Government to the Centre for Human Rights, his delegation wished to deal with the main allegations contained in the report.

21. First, the Special Rapporteur had refused to discuss the effects of sanctions on the Iraqi people, on the pretext that the matter fell outside the mandate of his mission and was a matter for the Security Council, despite the fact that all relevant international agencies had recognized that the sanctions adversely affected the humanitarian situation of the Iraqi people. None the less, the Special Rapporteur had asked the Iraqi Government to accept Council resolutions 706 (1991), 712 (1991) and 986 (1995) without any reference to the fact that those resolutions contained humiliating and degrading conditions that interfered with the sovereign rights of the Iraqi people, and had thus left the Iraqi Government with no choice but to reject them, particularly Council resolution 986 (1995), which placed the whole country under the trusteeship of the United Nations and the dominating Powers. Had the Special Rapporteur behaved in a neutral or objective manner, he would have called, without any hesitation and for purely humanitarian, legal and moral reasons, for the lifting of sanctions, at least in part on the grounds that human rights must be respected not only by individual countries but also by international organizations, particularly the Security Council.

22. Secondly, all amnesty decrees were of a humanitarian nature and should therefore be encouraged. However, the Special Rapporteur indulged in an abstract political and legal analysis based on presumptions, allegations and misinformation with a view to emptying those decrees of their noble humanitarian content, seeking ways to exaggerate any shortcoming or weakness, presumed or real, in order to undermine the position of Iraq, thereby rendering his conclusions untrustworthy. The Special Rapporteur criticized the decrees because they did not abrogate any of the provisions that dealt with crimes and criminal activities, despite the fact that abrogating provisions and granting amnesty were two different things. Moreover, the severity of some of the legal provisions had merely been a response to extraordinary conditions, since the hunger and unemployment caused by the sanctions had led to an increase in the crime rate, which the State was obliged to counter in order to meet its responsibilities towards society. Those rules would certainly be abrogated once the sanctions were lifted.

23. The Special Rapporteur incorrectly claimed that the decrees did not apply to non-Iraqi offenders, since all convicted persons had been released regardless of their nationality. The Special Rapporteur had deliberately ignored the psychological and educational implications of the requirement that released persons memorize one text from the Koran about crime and criminals, and disregarded the fact that that measure was practised by many Islamic countries.

24. In particular, the Special Rapporteur criticized the provision of decrees that required the relatives of prisoners to ensure their good conduct, and had not specified that the provision involved detainees under 18 years of age, who were considered children under the Convention on the Rights of the Child.

25. With regard to the paragraph devoted to testimonies of former prisoners, his delegation would merely say that the Special Rapporteur had used information gathered during his missions to Kuwait and Lebanon.

26. Thirdly, the Special Rapporteur had stated that the massive participation of the population in the referendum had been dictated by fear and had made

reference to a law which had no relation to the referendum whatsoever. Instead of accepting incorrect information, the Special Rapporteur, before making his judgement, should have familiarized himself with the reports of the many representatives of States and non-governmental organizations who had attended the referendum. In any event, however strong a party might be, it could hardly force a complete society to participate in a referendum against its will. The massive participation of the people in the referendum was an expression of the free will of the Iraqi citizens to preserve their dignity and challenge all who wished to humiliate them and replace their national Government by force.

27. The Special Rapporteur had cast doubt on the validity and legitimacy of the process of identifying and listing voters by voting districts and checking the identify cards of those voters before they were allowed to cast their votes, although that was the procedure adopted by all countries which followed democratic principles.

28. Fourthly, the Special Rapporteur had insisted on raising the issue of missing Kuwaitis, although the Security Council had mandated the International Committee of the Red Cross (ICRC) to deal with that humanitarian issue. Under the supervision of ICRC, Iraq had already repatriated all prisoners of war, both Kuwaitis and non-Kuwaitis, and since 1991 had been continuing to investigate the fate of the missing persons. The Tripartite Committee and the Technical Subcommittee headed by ICRC had proved that the Government of Iraq was cooperating fully with them in line with international standards and rules.

29. Finally, the Special Rapporteur had been wrong to think that the Government of Iraq bore a personal grudge against him. On the other hand, it was true that his hostile and arrogant attitude towards Iraq and the undiplomatic expressions he had used in his statements and reports showed that he was neither objective nor neutral, and that had led Iraq to wonder about the standards according to which Special Rapporteurs were selected.

30. Mrs. TAY (Togo) said that her country, which was assiduously engaged in ensuring the effective enjoyment of human rights within its territory, had in 1995 organized national meetings to improve the operation of the judicial system by guaranteeing its independence with respect to the other powers.

31. Turning to the report of the United Nations High Commissioner for Human Rights (A/50/36), she said her delegation was pleased to note that, as the Commission on Human Rights had stated, the situation of human rights in Togo had improved and that it had been agreed, as the Government of Togo had requested that the Centre for Human Rights should send an evaluation mission to the country to draw up a technical assistance programme to strengthen the structures for the promotion and protection of human rights in Togo within the framework of the Centre's programme of advisory services and technical assistance.

32. Her delegation welcomed the proclamation of the United Nations Decade for Human Rights Education for the period 1995-2004, and commended the initiatives taken by the High Commissioner to mobilize public opinion in support of the Decade. In that connection, her delegation wished to underline that it fully subscribed to the proposal of the Commission on Human Rights regarding the

establishment of a national coordination centre for education adapted to the specific realities of each country in the area of human rights.

33. Of the initiatives taken by the High Commissioner, her delegation wished to mention, in particular, the machinery established in respect of special procedures, monitoring organs and non-governmental organizations, and especially the dialogue with Governments, since it considered that direct contacts with senior officials of Member States could only promote a better understanding of local realities and a fair appreciation of the development of the situation regarding human rights in Member States. Togo would warmly welcome a visit from the United Nations High Commissioner for Human Rights, who had already received an invitation from the Government.

34. In order for the High Commissioner to be able to take the emergency measures required rapidly and carry out the mandate entrusted to him by the General Assembly - and thus ensure the credibility of the United Nations human rights machinery - it was imperative that he should have at his disposal the financial, human and material resources without which it would be impossible for him to provide adequate assistance to Member States.

35. The promotion of democracy, the strengthening of the protection of human rights and economic and social development formed an interdependent whole, as the World Conference on Human Rights had already stated; democracy opened the way for the promotion and protection of fundamental freedoms but was able to sustain and consolidate itself only if it was able to respond to the individual and collective needs of citizens. In that connection, it should be underlined that the protection and international promotion of human rights would be effective only if they were based on the principle of the indivisibility and equal value of all human rights (civil, cultural, economic, political and social). In order to avoid democracy being perceived as a factor in weakening and destabilizing young States which had embarked on that path, it was essential, especially at a time when bilateral and multilateral aid were dwindling, for the international community to support countries in transition, to grant them the necessary financial assistance to enable them to progress towards peace and stability, and to assist young States to discharge fully the obligations incumbent upon them by virtue of the human rights instruments, particularly with regard to the attainment of economic, social and cultural rights.

36. Her delegation had noted with interest the section of the report devoted to the restructuring of the United Nations Centre for Human Rights, and hoped that, when it came to recruiting staff, the principle of the equitable distribution of posts between regions and Member States would be scrupulously respected.

37. Referring to paragraph 25 of the report concerning communications in which individuals or non-governmental organizations reported human rights violations, she said that her delegation insisted on the need to make judicious use of those procedures in order to avoid giving free rein to partisan judgements, and considered that, in order to preserve the credibility of the United Nations, the Organization should make every effort to prevent the machinery and procedures from being exploited for unacknowledged purposes.

38. Mr. ALAEE (Islamic Republic of Iran), speaking on subitems (d) and (e) of agenda item 112, said that the notion of the universality of human rights should not be interpreted in an abstract way. The laws relating to human rights derived their legitimacy from the cultural diversity that existed in the world. To impose an abstract interpretation of human rights would be tantamount to limiting the implementation of human rights instruments to a small part of the international community. The only way to guarantee the practical implementation of the instruments by all Member States was to permit a broad interpretation of them, taking account of the characteristics of each region and the diversity of the historical, religious and cultural contexts. The High Commissioner for Human Rights should study the technical aspects of the question and recommend procedures to permit respect for cultural diversity and historical and religious differences.

39. If United Nations human rights programmes were to be implemented effectively, procedures should be rationalized and simplified on a system-wide basis and cooperation and coordination should be improved. His delegation therefore welcomed the High Commissioner's initiative in proceeding to carry out structural reforms in the Centre for Human Rights and in establishing a plan of action for the implementation of the Vienna Declaration and for the provision of adequate human and financial resources. That process should be extended to other procedures and organs in the field of human rights.

40. With regard to respect for the fundamental rights and freedoms of women, the international community, including the United Nations system and non-governmental organizations, should endeavour to maintain the dignity of the human person, and of women in particular. The dignity of women was being threatened by what could only be described as contemporary forms of slavery, such as prostitution, pornography, abortion and the development of the sex industry, which had reduced women to the status of commercial sex objects. The international community should respond by taking practical measures to deal with that alarming situation. It was equally important not to neglect other issues which the High Commissioner had raised in his report, such as the elimination of discrimination, xenophobia and intolerance, the problems of minorities and the right to development.

41. Mr. MARUYAMA (Japan) said that one of the greatest achievements of the United Nations system had been the adoption of the principal international human rights instruments such as the Universal Declaration of Human Rights, and the International Covenant on Economic, Social and Cultural Rights and the International Covenant on Civil and Political Rights, both of which Japan had ratified in 1979. In order to avoid unnecessary duplication, however, it was important that there should be adequate preparation prior to the adoption of each new instrument. While his delegation welcomed the efforts made by the bodies created pursuant to international instruments and by the Secretary-General to simplify the reporting procedures, one of the main problems with those bodies was that their work had been delayed because of the backlog of overdue reports. It was to be hoped therefore that those States which requested it would receive help in the form of advisory services and technical assistance, in order to be able to meet their obligations and complete the ratification process. In that connection, he announced that the House of Representatives of Japan had recently ratified the International Convention on the Elimination of

All Forms of Racial Discrimination and that the House of Counsellors would probably also ratify it during the current session. That would pave the way for Japan to depose the instruments of ratification in the near future.

42. International cooperation and improved cooperation and coordination within the United Nations system were essential to the promotion and protection of human rights. All States should fulfil their obligations to promote and protect human rights by making them an absolute priority. The fact that concern was expressed over grave violations of human rights and that a State was encouraged to remedy the situation should not be regarded as interference in that State's internal affairs. His delegation believed that the Centre for Human Rights should make greater use of the Voluntary Fund for Advisory Services and Technical Assistance in the Field of Human Rights.

43. There were no regional human rights organizations in the Asia-Pacific region. His delegation therefore called upon all Asian countries to cooperate closely on human rights issues. The Japanese Ministry of Foreign Affairs had jointly sponsored the Symposium on Human Rights in the Asia-Pacific region in July 1995, with the United Nations University, and it was planning to organize other such seminars.

44. As violations of civil, economic and social rights persisted in many countries, Japan intended to continue to express its concern over the situation in Afghanistan, Iran, Iraq, Cuba, the Sudan, Rwanda, Nigeria, Myanmar, and the former Yugoslavia. It believed that the ultimate aim of discussions in the General Assembly and the Commission on Human Rights was to remedy difficult situations: every resolution adopted by those bodies should therefore accurately reflect those situations and balance criticism with acknowledgement of any positive action that might have been taken. His delegation supported the sending of Special Rapporteurs and independent experts on fact-finding missions to investigate alleged violations of human rights, and urged the countries concerned to cooperate with the members of those missions.

45. He commended the United Nations High Commissioner for Human Rights for his efforts to prevent human rights violations, to coordinate activities and to establish a dialogue with all Governments. The structure and organization of the current mechanisms such as the Office of the High Commissioner for Human Rights and the Centre for Human Rights should, however, be strengthened, and they should be provided with the funding and personnel they needed to carry out their tasks.

46. Mr. AITMATOV (Kyrgyzstan) said that the evolution of the concept of human rights towards a broader approach which included economic, social and cultural rights and the right to development had created a broader basis for international cooperation and provided the means to address the roots of problems. His delegation believed that the Vienna Declaration and Programme of Action offered an acceptable framework for the promotion of dialogue and cooperation in that area.

47. His delegation also supported the efforts of the High Commissioner for Human Rights, who, as the system-wide coordinator of activities relating to

human rights, development and democracy, had a key role to play in promoting dialogue.

48. Although considerable progress had been made, human rights violations persisted in several parts of the world, particularly in conflict-torn regions. His delegation believed that international cooperation should be enhanced and it was ready to work with the international community to that end.

49. The Constitution and legislation of Kyrgyzstan had incorporated the principles contained in the international human rights instruments to which the country had acceded.

50. As a new democracy, Kyrgyzstan had already made progress in maintaining human rights and fundamental freedoms. The vital issue for the country's future was the creation of a political culture of tolerance, with the emphasis on inter-ethnic relations. It was in that spirit that the Assembly of People's Representatives of Kyrgyzstan had been created in order to protect the rights of the numerous communities which made up the nation.

51. Since failure to respect human rights was a source of political instability, social unrest and internal conflicts, Kyrgyzstan believed that protection of those rights was a key element of the political and economic reforms being carried out in the country.

52. Democracy was still fragile in Kyrgyzstan and close cooperation with the United Nations system was essential both to create the human rights infrastructure and to establish the rule of law to strengthen it. To that end, Kyrgyzstan was participating in a number of programmes carried out by United Nations agencies and other international organizations.

53. His delegation wished to thank the United Nations for the assistance it had provided in connection with the parliamentary elections in February 1995, and for the assistance being provided in connection with the presidential elections to be held on 24 December 1995.

54. Mr. JALLOW (Gambia) said that the world was now experiencing various tragedies which had invariably led to more frequent human rights violations. On the other hand, it was gratifying to note that the existing instruments and their implementation by the international community had made it possible for people to acquire a better understanding and appreciation of human rights and fundamental freedoms. In that connection, however, it was regrettable that certain States had not yet ratified those international instruments, notably the International Covenant on Economic, Social and Cultural Rights and the International Covenant on Civil and Political Rights and its Optional Protocols, thus limiting their full implementation.

55. The effective implementation of international human rights instruments had also been impeded by the failure of some Governments to publish and distribute them locally.

56. Inadequate financial and human resources, coupled with the increased workload, had largely limited the capability of United Nations bodies to

discharge their monitoring functions pursuant to General Assembly resolution 37/44.

57. His delegation believed that the United Nations Centre for Human Rights played a critical part within the Organization in the promotion and protection of human rights and fundamental freedoms and that it should be provided with adequate financial and human resources. A strengthened Centre could not only mobilize public awareness but also provide vital assistance to Governments and non-governmental organizations in the field of advisory services and training with a view to facilitating implementation and understanding of human rights instruments at the national level.

58. The establishment and operation of regional human rights centres would depend largely on the type of assistance received from the Centre, and on the establishment of close working ties.

59. The holding of free and fair elections served as a barometer in determining implementation of the principles of democracy. Through its Electoral Assistance Division, the United Nations, pursuant to General Assembly resolution 49/190, provided assistance to all countries upon their request. It was noticeable, however, that the Division had recently experienced difficulty in meeting all such requests promptly, the Gambia being a case in point.

60. The Declaration on the Right to Development contained in General Assembly resolution 41/28 was of particular relevance to developing countries, as was the Working Group on the Right to Development, which was composed of Government experts. However, efforts aimed at achieving consensus on the right to development had failed, owing to problems arising from the implementation of the Declaration, the definition of the criteria used to identify progress and the mechanisms for evaluating such progress, together with the difficult socio-economic situation in the developing countries.

61. The Vienna Declaration and Programme of Action had reaffirmed that the right to development was a universal and inalienable right, and an integral part of fundamental human rights. The international community should therefore make greater efforts to ensure the more effective implementation of that right.

62. In spite of everything, the Gambia had always been a champion of human rights. Its return to democratic civilian rule was scheduled for July 1996. He drew attention to the fact that the Gambia had hosted both the African Commission on Human and People's Rights and the African Centre for Democracy and Human Rights Studies. His Government had also donated one million dalasis to the latter to help strengthen its activities. The Centre had organized an international workshop for the military, where it had been pointed out that the latter had a prominent role to play in the promotion and protection of the rights of peoples and citizens in times of peace and war.

63. Freedom of the press, freedom of speech and freedom of movement continued to apply in the Gambia, as did the rule of law. There were no political prisoners, and an atmosphere of peace, progress and tranquillity had reigned since the takeover.

64. His Government had launched a programme of rectification and transition to democratic civilian rule in July 1996. To help implement it, various programmes and institutions had been established, such as a constitution review commission, an electoral and boundaries review commission and a mass education and public awareness task force.

65. He pointed out that the Gambia had acceded to various human rights instruments and that it was particularly interested in the rights of women and children, who were among the most vulnerable groups.

66. In a world beset by human rights violations, the guarantee and exercise of human rights and fundamental freedoms was a collective responsibility.

67. Mrs. OLSZOWSKA (United Nations Educational, Scientific and Cultural Organization (UNESCO)) said that, since its establishment, the primary objective of the United Nations Educational, Scientific and Cultural Organization (UNESCO) under the terms of its mandate had been to promote respect for human rights and fundamental freedoms in the spirit of the Universal Declaration of Human Rights. In the present context, the realization of that objective would require concerted action on the part of all actors, in particular the United Nations system. Being responsible for the system-wide coordination of activities in that field, the High Commissioner for Human Rights had signed official cooperation agreements with UNESCO, such as the Memorandum of Understanding (October 1995) for implementation of the Programme of Action adopted at the Vienna Conference. Another aim of the Memorandum was to protect the rights of intellectuals, who, by the very nature of their profession, were subjected to various forms of discrimination, and towards whom UNESCO had a special responsibility. The Memorandum also provided for cooperation among the interested parties in the domain of normative action and the elaboration of strategies for the right to education, the right to development and cultural rights, as well as for cooperation in the field of research and the organization of regional and subregional consultations on training and advisory services. UNESCO and the United Nations would jointly organize events such as the fiftieth anniversary of the Universal Declaration of Human Rights in 1998 and a world conference on the elimination of racism, racial and ethnic discrimination, xenophobia and other related contemporary forms of intolerance, scheduled for 1997. The protection of rights in the UNESCO field of competence underlay fundamental questions that included the consolidation of peace and democracy. Accordingly, following the Montreal Congress on Human Rights and Democracy, the Executive Board of UNESCO had decided to establish a consultative committee for education, peace, human rights and democracy that would be mainly concerned with concretizing the results of the Montreal Congress and the Vienna Conference. UNESCO had also adopted an educational interdisciplinary project, entitled "Towards a Culture of Peace", that was fully convergent with the Plan of Action for the United Nations Decade for Human Rights Education. At its twentieth session, the General Conference of UNESCO had repeatedly highlighted the importance of the organic link between human rights and international humanitarian law and stressed that the international community should lay more emphasis on that aspect. The teaching of human rights should be concerned with the protection of human beings in times of armed conflict and should therefore include instruction in international humanitarian law. That link had been reaffirmed by the Vienna Declaration and the UNESCO Medium-Term Strategy (1996-

2001), which encouraged exchanges of views in the field of humanitarian assistance. UNESCO would continue to mobilize its energies towards making its contribution in that field.

68. Ms. FENG Cui (China), speaking in exercise of the right of reply, said that the representatives of the United States and the European Union had attacked the Chinese Government in their statements and made unfounded allegations, interfering in China's internal affairs, maligning its judicial system and claiming that China practised torture, misused the death sentence and restricted freedom of speech. The human rights issue was being used yet again as a pretext for putting political pressure on China to impede its development and to force its people to abandon the social system and mode of development for which it had opted. The case of Wei Jingshen, mentioned in the statements of the United States and the European Union, had nothing to do with human rights inasmuch as he had been arrested, in due legal form, for engaging in activities that were designed to overthrow the Chinese Government and that infringed the country's criminal law. The matter was therefore clearly an internal Chinese affair in which no country had the right to interfere.

69. With regard to Tibet, her delegation noted that it had formed an integral part of China since the thirteenth century and that the Tibetan people had assumed control of their country in 1959, the year in which China had abolished serfdom and introduced democratic reforms in Tibet. In the past 30 years, the country's economy had developed and the standard of living had risen. Tibet's culture, traditions and religious beliefs were respected, a fact amply attested by the central Government's expenditure of 1 billion yuan renminbi on the restoration of the palace of Potala. Chinese policy on ethnic minorities was well received by all nationalities, including the Tibetans. The real intention of the United States and the European Union when they repeated that China violated human rights in Tibet was to undermine China's national unity and to support the activities of the Dalai Lama clique that was seeking to partition the country. Her delegation stressed that all attempts to separate China from Tibet were doomed to failure.

70. Yet again, the United States and the European Union had arrogated to themselves the role of judge in the field of human rights, believing that their slander afforded proof of the superiority of their civilization, whereas diverse violations perpetrated in their own societies (xenophobia, racial discrimination, large numbers of homeless people) were ignored. Politicization and selectiveness prevailed in the area of human rights, maintaining a climate of confrontation that impeded cooperation on human rights. China would never allow the major Powers to interfere in its internal affairs on the pretext of protecting human rights.

AGENDA ITEM 110: PROMOTION AND PROTECTION OF THE RIGHTS OF CHILDREN (continued) (A/C.3/50/L.28 and L.31)

Draft resolution A/C.3/50/L.28: "The rights of the child"

71. Mr. RÖNQUIST (Sweden), introducing draft resolution A/C.3/50/L.28 on behalf of the sponsors, who had been joined by Andorra, Burkina Faso, Canada, Croatia, Marshall Islands, Federated States of Micronesia, Monaco and Poland, drew the

Committee's attention to the following amendments: the word "requires" in the first line of the sixth preambular paragraph should be deleted and replaced by "states"; in the seventeenth preambular paragraph, the words "especially in poverty-stricken areas" should be inserted after "children from an early age"; the entire nineteenth preambular paragraph should be replaced by the following text: "Encouraged by measures taken by Governments to eradicate economic exploitation of child labour". As Tonga had acceded to the Convention on the Rights of the Child, "180" should be replaced by "181" in operative paragraph 1. The words "to make recommendations" in the second last line of operative paragraph 22 should be deleted. He noted that in 1994 the Third Committee had adopted four resolutions on children's rights. A group of delegations had decided to attempt to amalgamate them in a single resolution. Argentina, Brazil, Cuba, Luxembourg, Mexico, Spain, Sweden, United Kingdom of Great Britain and Northern Ireland and Uruguay had prepared a preliminary draft resolution of general scope. Delegations had reacted positively to the proposal, as shown by the large number of sponsors, including all the members of the Group of Latin American and Caribbean States and of the European Union. With a view to rationalizing the work of the Committee and of the Secretariat, the Secretary-General would be invited to prepare a comprehensive report on all questions raised by the draft resolution, which included for the first time the elimination of exploitation of child labour.

72. Mrs. LIMJUCO (Philippines) said that her delegation wished to join the list of sponsors.

73. The CHAIRMAN said that Angola, Bulgaria, Gambia, Ghana, Guinea, Kenya, Mozambique, Niger, Nigeria, Papua New Guinea and Russian Federation also wished to become sponsors of the draft resolution.

Draft resolution A/C.3/50/L.31: "The girl child"

74. The CHAIRMAN announced that the draft resolution was to be reissued for technical reasons and would therefore be introduced at a later stage.

AGENDA ITEM 111: PROGRAMME OF ACTIVITIES OF THE INTERNATIONAL DECADE OF THE WORLD'S INDIGENOUS PEOPLES (continued) (A/C.3/50/L.29 and L.30)

Draft resolution A/C.3/50/L.29: "United Nations Voluntary Fund for Indigenous Populations"

75. Ms. NEWELL (Secretary) read out two corrections to be made to the text of the draft resolution: the term "United Nations declaration on the rights of indigenous peoples" in the second preambular paragraph of the English version should be placed in inverted commas, and the words "in its resolution 1995/32" in the second last line of operative paragraph 1 should be replaced by the words "on 25 July 1995".

76. Mr. WILLIS (Australia) introduced draft resolution A/C.3/50/L.29 on behalf of its sponsors, who had been joined by Costa Rica, Fiji, Luxembourg and Norway. The purpose of the draft resolution was to enable the United Nations Voluntary Fund for Indigenous Populations to be used to help representatives of indigenous communities and organizations to participate in the deliberations of the Open-

ended Inter-sessional Working Group of the Commission on Human Rights, which was responsible for preparing a draft declaration on the rights of indigenous peoples. The Working Group was currently holding its first session in Geneva, and the involvement of representatives of indigenous communities was vital for the credibility of its work.

Draft resolution A/C.3/50/L.30: "Programme of activities for the International Decade for the World's Indigenous Peoples"

77. Mr. WILLIS (Australia) introduced draft resolution A/C.3/50/L.30 on behalf of its sponsors, who had been joined by Antigua and Barbuda, Colombia, Costa Rica, Fiji, Greece, Guyana, Iceland, Luxembourg, Norway and Sweden. The draft resolution was the result of lengthy consultations during which two amendments had been adopted. First, the adjective "national" in paragraph 4 of the annex should be replaced by "political". Secondly, the adjective "adequate" in paragraph 50 of the annex should be replaced by "appropriate". Consultations were continuing on paragraph 53.

78. The draft resolution contained a programme of activities in the annex. It also contained provisions for the review and updating of the programme throughout the Decade and recommended that the Economic and Social Council and the General Assembly should undertake a mid-term review of the Decade. The adoption by the General Assembly of a declaration on the rights of indigenous peoples was a major objective of the Decade. Another objective was the possible establishment of a permanent forum for indigenous peoples in the United Nations system. The draft resolution also provided for coordination of activities within the system and stressed the importance of international cooperation and action at country level to achieve the aims of the Decade.

ORGANIZATION OF WORK

79. The CHAIRMAN informed the members of the Committee of the outcome of his meeting with the President of the General Assembly on 29 November. The President had stated that although he was aware of the difficulties that were hampering the work of the Third Committee, the plenary must receive the Committee's report by 11 December in order to conclude its discussions. It was therefore essential for the members of the Committee to respect the deadline of 4 December for submission of draft proposals under items 112 and 165 since there was no possibility of an extension.

The meeting rose at 6.15 p.m.

UNITED NATIONS

General Assembly

FIFTIETH SESSION

Official Records

THIRD COMMITTEE
46th meeting
held on
Friday, 1 December 1995
at 10 a.m.
New York

SUMMARY RECORD OF THE 46th MEETING

Chairman: Mr. TSHERING (Bhutan)

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Distr. GENERAL
A/C.3/50/SR.46
3 January 1996

ORIGINAL: ENGLISH

95-82579 (E)

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The meeting was called to order at 10.45 a.m.

AGENDA ITEM 112: HUMAN RIGHTS QUESTIONS (continued) (A/50/3, 76, 83, 130, 131, A/50/138-S/1995/299, A/50/139, A/50/169-S/1995/343, A/50/215-S/1995/475, A/50/254-S/1995/501, A/50/267, 345, 407, A/50/425-S/1995/787, A/50/437, 475, 483, A/50/523-S/1995/845, A/50/673, A/50/675-S/1995/884, A/50/689-S/1995/890, A/50/707 and 758)

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(d) COMPREHENSIVE IMPLEMENTATION OF AND FOLLOW-UP TO THE VIENNA DECLARATION AND PROGRAMME OF ACTION (continued) (A/50/36)

(e) REPORT OF THE UNITED NATIONS HIGH COMMISSIONER FOR HUMAN RIGHTS (continued) (A/50/36 and A/50/743)

1. Mr. HAMIDA (Libyan Arab Jamahiriya) said that the promotion and protection of human rights should be carried out in accordance with the Charter of the United Nations. Some countries were using concern for human rights to carry out a political campaign against developing countries - particularly those whose policies differed from their own - in violation of Articles 1 and 2 of the Charter. No State had the right to impose its values and customs on other States.

2. The States which pursued such campaigns ignored the serious violations of human rights taking place in their own territory or in that of their allies. They should not forget that racism was rife in their countries, that they had been responsible for uprooting many peoples and leaving them dispossessed; nor should they forget the slave trade, in which they had been involved until quite recent times, and of which the effects were still felt. Those States should also bear in mind their colonialist past and stop playing the role of protectors of human rights.

3. Referring to the Secretary-General's note on the implementation of human rights instruments (A/50/505), he repeated his suggestion that the problem of seriously overdue reports could be resolved by increased communication with the countries in question in order to discover the causes of delay. Since the preparation of the reports imposed a heavy burden on developing countries, the possibility should be considered of a single report being prepared for all the bodies.

4. With regard to the reservations referred to in paragraph 17, he considered the practice should be allowed to continue, since it enabled States to ratify international instruments, and was an acknowledged right under treaty law.

5. Referring to paragraph 22, which called for a study on establishing an appropriate sui generis status for the treaty bodies in the United Nations system, he said he did not understand what was meant by such a status. Those bodies had been as established as entities independent from the United Nations and had a clear mandate. The Secretary-General was therefore only required to provide them with technical support.

6. Referring to the Secretary-General's note on the staff of the Centre for Human Rights (A/50/682), he said that the note made clear that the composition of the staff remained unchanged. In the Secretary-General's note on that question at the forty-ninth session, however, two thirds of Centre staff were reported to come from developed countries. He therefore requested the Secretary-General to ensure that the composition of the staff reflected the cultural diversity of the world.

7. Referring to the right to development, he stressed the importance of that right, which should be given due consideration by all United Nations bodies, since any progress in the protection and promotion of human rights depended on improvement in the social and economic living conditions of the individual.

8. The Libyan Arab Jamahiriya had ratified most of the international human rights instruments, and in 1988 had adopted the Green Document on Human Rights in the Age of the Masses, Libya, which guaranteed protection for human rights, reflecting his country's respect for the dignity of the individual as the basis for development of the people.

9. He wished to draw attention to the suffering caused to the Libyan people by the unjust imposition of the sanctions, which had endangered many innocent lives, particularly those of the most vulnerable members of society, in blatant violation of human rights guaranteed under international human rights instruments. He hoped that the United Nations would give that matter the attention it deserved, and would not continue to condone the effects such measures had on the most basic human rights of the Libyan Arab people.

The meeting was suspended at 11 a.m. and resumed at 11.25 a.m.

10. Mr. RI Song Il (Democratic People's Republic of Korea) said that, while the international community had worked consistently to promote and protect human rights since the adoption of the Universal Declaration of Human Rights almost 50 years earlier, many problems remained unresolved, particularly the

politicization of human rights issues. Certain States were guilty of double standards, using human rights questions as a pretext for exerting political and economic pressure upon some countries, while remaining silent about human rights violations by their allies. Though the right to development had been identified in the 1993 Vienna Declaration and Programme of Action as a fundamental human right, millions of people still lived in poverty. Even in those countries most vocal in their support for human rights and democracy, thousands of working people were afflicted by unemployment, crime and drug addiction.

11. The concept of human rights was relative, based on countries' characteristics, traditions and political philosophy. Accordingly, every country was entitled to determine its own approach to human rights questions, without interference in its internal affairs, which was often counterproductive.

12. His Government was guided by the Juche idea, a unique human-centred philosophy, and accordingly devoted all its efforts to enhancing the people's well-being. Life in the Republic was characterized by unity between the Party and the people. His country's experience had shown that only in a socialist society could human rights and dignity be guaranteed.

13. His country had recently been the target of unjust allegations by the south Korean authorities. Instead, south Korea should examine its own poor human rights record. Under the national security law, the south Korean people were deprived of the right to freedom of opinion and freedom of speech. Supporters of reunification had been arrested, tortured and even executed. He urged the Committee to give due regard to the human rights violations in south Korea and to the attempts by that country to misuse human rights issues for political confrontation between the north and south of Korea.

14. Mr. ABDELLAH (Tunisia) said that the body of international instruments adopted by the United Nations represented a remarkable contribution to the human rights field. Tunisia had ratified the major human rights instruments and conscientiously fulfilled its reporting obligations, demonstrating its commitment to human rights and fundamental freedoms. At the national level, Tunisia was striving to create a democratic, tolerant society in which the values enshrined in the human rights instruments could be translated into reality. Tunisia was in the process of adapting its national legislation to enable it to fulfil its international obligations.

15. Legislation could be effective only if it was complemented by measures to raise awareness of human rights. Indeed, one of the first tasks in emerging democracies should be the promotion of a human rights culture. Tunisia had incorporated human rights education into the curriculum of the entire education system.

16. Tunisia was deeply committed to the principle of tolerance. Therefore, his delegation wished to commend the clear and detailed interim report of the Special Rapporteur on the elimination of all forms of religious intolerance (A/50/440). Of particular importance were the Special Rapporteur's comments on the need to curb religious extremism (para. 77).

17. While human rights were of primordial importance for all humanity, each country's specificities must be taken into account. Human rights questions must be examined with impartiality, since failure to do so would be prejudicial to the aim of promoting human rights.

18. His Government was committed to realizing the full range of human rights since, as indicated in the Declaration on the Right to Development, political rights could not be guaranteed unless all citizens enjoyed an adequate standard of living. The Vienna Declaration and Programme of Action had represented a major step forward by recognizing the right to development as a fundamental human right. Subsequently, valuable guidelines for its realization had been formulated at the World Summit for Social Development. The High Commissioner for Human Rights had accorded great importance to the right to development, and Tunisia had noted with satisfaction his commitment to work towards its realization. Tunisia supported the conclusions of the Working Group on the Right to Development, which had identified a number of obstacles to the realization of that right: the destruction of the environment, the persistence of armed conflict and the high level of military spending. Tunisia was convinced that that primordial right could not be realized without international cooperation.

19. Ms. PHAM THI THANH VAN (Viet Nam) said the protection and promotion of human rights was primarily the responsibility of Governments, but no country could accomplish the huge task of guaranteeing political, civil, economic, social and cultural rights for its people unaided. International cooperation and dialogue was needed, in addition to technical and financial assistance and information from United Nations human rights bodies and other institutions. However, all action on human rights must be undertaken in accordance with the principles of international relations and in a spirit of mutual respect and understanding. Human rights should not be used to exert economic and political pressure on other countries or to interfere in their internal affairs.

20. Human rights could not be dissociated from the level of socio-economic development of a country, and differences in such development and their effect on national priorities must be recognized. Insufficient attention had been given to economic, social and cultural rights in developing countries, as a result of which breaches of those rights were treated tolerantly, and considered "inevitable", or the result of lack of democracy. However, any violations of civil or political rights in developing countries provoked expressions of outrage and often led to punitive action that had a negative effect on the country's economy and society. Objectivity was therefore essential, as was a balanced approach to human rights.

21. The Government of Viet Nam was serious about human rights, and aware that each State should promote and protect the human rights of its citizens through specific policies and measures. Much had been achieved in her country through its strategy for socio-economic development to the year 2000. Among its many achievements in recent years, she singled out Viet Nam's success in becoming self-sufficient in food production and the great strides it had made in building up a national legal framework. In that regard, the Government was conscious of the need to bring national law into line with international law, to the extent

that that was compatible with national historical, social and cultural conditions.

22. Since 1980, Viet Nam had acceded to eight international human rights instruments, including the two international Covenants on Human Rights, and was preparing for accession to further instruments.

23. Viet Nam was resolved to contribute to the common human rights cause of all peoples of the world through its attempt to build a society in which all were entitled to peace, independence, freedom, prosperity, justice and equity, and provided with conditions conducive to their all-round development. It would also contribute to the promotion and protection of human rights throughout the world through its policy of international dialogue and cooperation.

24. Ms. SAPCANIN (Bosnia and Herzegovina) said that her country would be remembered for the savage war waged by Serbian forces against its civilian population. The war had taken a toll of more than 200,000 lives and produced 2 million refugees and displaced persons, constituting a land-grab and aggression in violation of the Charter of the United Nations. The war would be remembered for the inexplicable failure by the international community to stop those crimes as well as the maintenance of the notorious arms embargo against the defenceless victim.

25. The Peace Agreement recently negotiated in Dayton, Ohio, offered the promise of settling the war in accordance with the principles of sovereignty, democracy and human rights. During the negotiations, however, the process of "ethnic cleansing" had continued uninterrupted, especially in the Banja Luka region. Concentration camps were still being operated in Bosnia and Herzegovina by the Pale Serbs, with unknown numbers subjected to torture, forced labour and, ultimately, death. Thousands of innocent people were still missing; and neither the Pale Serbs nor the Federal Republic of Yugoslavia had accounted for them, despite the commitments to that effect made in Dayton.

26. The full horror of the overrunning of the "safe areas" of Žepa and Srebrenica had yet to be properly investigated. As indicated in the report of the Secretary-General (S/1995/988), reports provided undeniable evidence of a consistent pattern of summary executions, rape, mass expulsions, arbitrary detentions, forced labour and large-scale disappearances. It was most disappointing that those indicted for war crimes remained free and that the Pale Serbs' paramilitary forces and the institutions that they headed still functioned unimpeded.

27. Many reports had confirmed that Serb militants had been responsible for nearly 90 per cent of the atrocities committed during the war. Nevertheless, the deeds of Serb political and military leaders did not make the Serbian people collectively guilty. It was therefore most important that individual accountability for the war crimes should be firmly established by the International Criminal Tribunal for the former Yugoslavia. Without justice there could be no reconciliation; and without reconciliation there could be no meaningful peace. All authorities must ensure compliance with international human rights obligations, including the monitoring mechanisms. Conditions must be created for the holding of free, fair and direct elections, in accordance

with the highest democratic standards and respect for the sovereignty, territorial integrity and political independence of Bosnia and Herzegovina and for the rights of all ethnic and religious groups. The return of all refugees and displaced persons to their homes must be ensured; the responsibility of the international community in that respect was immense.

28. Her delegation strongly endorsed the call by the Special Rapporteur for a firm commitment by the international community to the principle of multi-ethnic States. No final peace settlement could be brought about through the practice of "ethnic cleansing". Accordingly, conditions must be established for the safe and voluntary return of the refugees. The international community must ensure that the provision of any future assistance to the region depended upon fulfilment of those conditions. Any economic reconstruction must be linked to progress in human rights, which must be of paramount importance when considering the question of the lifting of sanctions.

29. Mr. PORTALES (Chile) said that the most significant achievement to date in the Organization's efforts to promote human rights had been the creation of the post of High Commissioner for Human Rights. His delegation was also encouraged to note the progress being made with regard to the rights of indigenous peoples and the rights of the child. Nevertheless, much remained to be done if the recommendations of the Vienna Declaration and Programme of Action were to be implemented. His delegation attached special importance to the strengthening of the system of special procedures, rapporteurs, experts and working groups; the implementation of the right to development; and the establishment of an international criminal court. The resources earmarked for the system of special procedures must be substantially increased. In addition, there was a need to publicize throughout the world the existence of such mechanisms. The fact that so few complaints were submitted was due not to a low incidence of violations, but rather to a lack of knowledge about the existence of the procedures. Obviously, as the volume of complaints increased, so would the need for additional resources.

30. With regard to the right to development, he stressed the need to set up a working group of the Commission on Human Rights to identify the obstacles to the universal implementation of that right. National development policies must be designed to promote economic growth, social justice and concern for the environment; at the same time, the international community must establish more equitable economic relations, bearing in mind the importance of protecting the global environment. That task went far beyond the capacity of the existing Working Group on the Right to Development. The activities of all United Nations bodies and specialized agencies dealing with economic, social and cultural issues should be coordinated by the Centre for Human Rights. Hence, what was needed was not so much an increase in resources as a better utilization of the available resources, with a view to giving due priority to the implementation of the right to development. The United Nations High Commissioner for Human Rights had a fundamental role to play in such an effort.

31. His delegation attached the utmost importance to the recommendation in the 1993 Vienna Declaration and Programme of Action concerning a permanent international criminal court. His Government had fully supported the establishment of the Tribunals for the prosecution of perpetrators of war crimes

or crimes against humanity in Rwanda and in former Yugoslavia; however, a permanent court was needed in order to consolidate that effort. A permanent court would operate on strictly judicial terms, be free from political pressure, and its work would enjoy unquestionable legitimacy. Moreover, the very existence of a criminal court would have a dissuasive effect in terms of preventing acts of State terrorism, war crimes, or crimes against humanity. The creation of such a court was one of the most constructive recommendations of the Vienna Conference.

32. Mr. GUBAREVICH (Belarus) said that the international community should focus its efforts on establishing the political conditions for guaranteeing at least minimal observance of human rights. Belarus believed that democracy was best suited to ensure overall protection of human rights. The international treaties that it had ratified had been incorporated into its domestic legislation and the Belarusian Constitution provided guarantees for the observance of human rights and basic freedoms. His country had held free presidential elections and was preparing for parliamentary elections to be conducted on a multi-party basis.

33. The building of a democratic society in Belarus, as in the other countries of the former Soviet Union, was a complicated task. Owing to the acute economic crisis, the State was unable to guarantee to a sufficient extent the protection of such inalienable rights as the right to work, the right to an adequate living standard and the right to housing or to protect the rights of many refugees and illegal immigrants in the country.

34. Nevertheless, Belarus was able to maintain a sufficiently high standard in protecting basic human rights. Non-governmental human rights organizations were being established, and the country's political climate was characterized by an almost total absence of extremist parties and movements. Laws had been enacted on national minorities, freedom of religion, foreigners, stateless persons and social protection. The State was endeavouring to minimize the unfavourable social impact of the transition to a market economy and at the same time maintain the sufficiently high level of medical care and education inherited from the Soviet period.

35. Belarus believed that only strict implementation with the Vienna Declaration and Programme of Action and other decisions taken at recent world conferences could maintain appropriate standards with regard to human rights. His country actively participated in the work of United Nations human rights bodies, particularly the Commission on Human Rights. The existing legal and institutional mechanisms were able to ensure protection of human rights provided that the good will of States was reflected in specific action.

36. Belarus attached particular importance to regional cooperation in the field of human rights. Its contacts with the Council of Europe were aimed at obtaining support for domestic initiatives to promote democratic values and protect human rights. His country was also developing cooperation in the field of human rights within the Commonwealth of Independent States. At the national level, his Government was focusing its efforts above all on carrying out the decisions of the World Summit for Social Development, which were the basis for implementing the entire range of social and political rights. Belarus was encountering its greatest difficulties precisely in that area. Its economy was

adapting to market conditions and was unable to generate the funds necessary for pursuing a guaranteed social-welfare policy.

37. Nevertheless, the State was doing everything possible to protect the most vulnerable groups of the population and was establishing the office of a human rights commissioner to monitor the observance of human rights standards. His country sought to develop a policy which would clearly define the responsibility of the State in protecting the basic rights of its citizens; and United Nations technical assistance would be very useful in that regard.

38. Belarus would do everything possible to support the Organization's efforts to protect human rights throughout the world.

AGENDA ITEM 107: ADVANCEMENT OF WOMEN (continued) (A/C.3/50/L.22)

Draft resolution A/C.3/50/L.22, entitled "International Research and Training Institute for the Advancement of Women"

39. Mr. TELLES RIBEIRO (Brazil), speaking on behalf of the original sponsors of the draft resolution and also Bangladesh and Kyrgyzstan, said that the text had been revised in the following way.

40. Paragraph 3 had been transferred to the preamble, to be inserted after the third preambular paragraph, with the necessary editorial changes. In paragraph 1 the word "equitable" had been replaced by the word "full", and in two other paragraphs, minor drafting changes had been made. Lastly, paragraph 5 had been revised to read: "Encourages the Institute to further develop active and close cooperation with the specialized agencies and related organizations of the United Nations system, and with other institutions such as universities and research institutions, so as to promote programmes that contribute to the advancement of women".

41. On behalf of the sponsors, he thanked the delegation of Spain, which had submitted the amendments, and commended the delegation of the Dominican Republic for its spirit of conciliation.

42. The CHAIRMAN announced that Burkina Faso, Burundi, Côte d'Ivoire, Ghana, Guinea and Indonesia had also become sponsors.

43. Draft resolution A.C.3/50/L.2[illegible], as orally revised, was adopted without a vote.

The meeting rose at 12.45 p.m.

UNITED NATIONS

General Assembly

FIFTIETH SESSION

Official Records

THIRD COMMITTEE
47th meeting
held on
Friday, 1 December 1995
at 3 p.m.
New York

SUMMARY RECORD OF THE 47th MEETING

Chairman: Mr. TSHERING (Bhutan)

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Distr. GENERAL
A/C.3/50/SR.47
5 February 1996
ENGLISH
ORIGINAL: FRENCH

95-82591 (E)

The meeting was called to order at 3.40 p.m.

AGENDA ITEM 112: HUMAN RIGHTS QUESTIONS (continued) (A/50/3, A/50/76, A/50/83, A/50/130, A/50/131, A/50/138-S/1995/299, A/50/139, A/50/169-S/1995/343, A/50/215-S/1995/475, A/50/254-S/1995/501, A/50/267, A/50/345, A/50/407, A/50/425-S/1995/787, A/50/437, A/50/475, A/50/483, A/50/523-S/1995/845, A/50/673, A/50/675-S/1995/884, A/50/689-S/1995/890, A/50/707, A/50/758)

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(d) COMPREHENSIVE IMPLEMENTATION OF AND FOLLOW-UP TO THE VIENNA DECLARATION AND PROGRAMME OF ACTION (continued) (A/50/36)

(e) REPORT OF THE UNITED NATIONS HIGH COMMISSIONER FOR HUMAN RIGHTS (continued) (A/50/36, A/50/743)

1. Mr. ALAIDEROOS (Yemen) said that his Government welcomed the prospect of the visit soon to be made to Yemen by the High Commissioner for Human Rights. The item before the Committee concerned all the prerequisites for the establishment of a new world order, which must be based, among other international human rights instruments, on the Universal Declaration of Human Rights, the Geneva Conventions, the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights, and the Vienna Declaration and Programme of Action.

2. Implementation of those instruments could only serve to strengthen security, peace and social justice, and pave the way for fruitful cooperation based on equity, complementarity and concern for the common interest. The Vienna Declaration and Programme of Action had reaffirmed the indivisibility of human rights and had invited the international community to accord them equal

importance while respecting the cultural, religious and other particularities of individuals and States.

3. His Government was committed to ensuring respect for all human rights - economic, political, social and cultural - enshrined in its Constitution and guaranteed under national legislation. Yemen had acceded to most international human rights instruments, in particular the two Covenants. It was in that vein that his delegation accorded particular importance to the monitoring of human rights questions and proposed to cooperate fully with the Commission on Human Rights. It had submitted its reports within the established deadlines and dispatched an expert mission to provide any additional information that the Commission might seek.

4. Its faith in democracy and the importance that it attached to the right to development, a constituent element of human rights, placed Yemen in the vanguard of the implementation of conventions and other international human rights instruments, taking full account of the specific economic, historical and cultural characteristics of the country. Thus it had succeeded in establishing the foundations of a democracy based on political pluralism and peaceful discourse, a process which had led to the free, direct elections held in 1993. The country was currently preparing for legislative elections in the summer of 1997.

5. Yemen had a number of political parties and the press was free. It had restructured its economy to promote the transition towards a market economy, based in part on the privatization of the public sector, in the interest of society as a whole.

6. His delegation, while deploring human rights violations wherever they occurred, was of the view that the most serious threats to human rights were selectivity, politicization and the use of double standards, which resulted in humanitarian considerations and national differences being sacrificed on the altar of political objectives.

7. Mr. FOWLER (Canada) said that under international law State violence could no longer be considered an internal matter. The international community must ensure the universal application of human rights standards, since sovereignty conferred no licence on any State to abuse the fundamental rights of its people.

8. Africa offered many examples of the vicious circle in which all kinds of conflict and human rights violations bred on each other. Some African countries, such as Sierra Leone and Liberia, were embarked on a process which should put an end, through democratic elections, to years of conflict and human rights abuses, whereas others, such as Somalia, had no solution in sight.

9. In Nigeria the regime established by General Abacha, after having annulled the fairest and most peaceful elections in the history of the country, had given itself absolute legal power and had abolished the right of habeas corpus. Elected bodies had been dissolved, democratic leaders jailed, newspapers closed and labour unions and minorities repressed. The execution of Ken Saro Wiwa and other human rights defenders had outraged the collective conscience of the

world. Canada supported the measures taken by the Commonwealth and the United Nations to promote full respect for human rights in Nigeria.

10. On the Sudan, his delegation was concerned about the prolonged civil war and human rights violations. The Sudan still refused to cooperate with the Special Rapporteur. The Organization of African Unity had called on the Sudan to stop supporting terrorist activities. It should be noted, however, that the Sudanese Government had released political prisoners.

11. His Government was convinced that the international community must take preventive action by sending international monitors to Burundi and providing technical assistance to that country, the stability of which was being undermined by extremist factions willing to increase ethnic tension in pursuit of their aims.

12. Canada fully supported the United Nations Human Rights Field Operation in Rwanda, whose technical assistance programmes should strengthen the system for the administration of justice in the country. Those suspected of crimes against humanity must be prosecuted provided that there was sufficient evidence and that there was full regard for due process. Further, the judicial system must take urgent steps to alleviate the appalling conditions in places of detention and to accelerate the processing of the 58,000 persons in prison. The Rwandan Government had recently reiterated its commitment to facilitate the return of refugees, whose presence in Zaire represented a heavy burden for the people of that country. He welcomed the pledge made by the President of Zaire to reduce violence and intimidation in Zaire. The rapid, orderly and voluntary repatriation of refugees was essential to stability in the Great Lakes region.

13. His delegation strongly condemned terrorism and human rights violations in Algeria and encouraged all parties to respect the democratic aspirations that the Algerian people had demonstrated during the recent presidential elections.

14. International peace and security were also threatened on other continents. In the former Yugoslavia, there had been extreme human rights abuses. The international community should seize the opportunity provided by the peace settlement to help the countries concerned to inculcate a real culture of respect for human rights and establish institutions to monitor the situation in that field.

15. In Asia, the human rights situation in Jammu and Kashmir continued to be worrisome. Only a negotiated solution of the Kashmir issue, with due regard for the rights of all concerned, could put an end to the violence, which sometimes deliberately targeted foreign tourists.

16. Human rights abuses continued to mark the brutal ethnic conflict in Sri Lanka. His delegation considered that all parties involved should respond positively to President Kumaratunga's call for the negotiation of a lasting solution.

17. The role of special rapporteurs and special representatives and human rights treaty-monitoring bodies was to ensure that States lived up to their

commitments. All Governments should cooperate fully with the special rapporteurs of the Commission on Human Rights and with the treaty bodies.

18. As indicated in the latest report of the Special Rapporteur for Iraq, gross violations of human rights continued unabated in that country, especially against the Shiites, Kurds and other populations of northern Iraq. By refusing to avail themselves of Security Council resolution 986 (1995), which would allow oil-export proceeds to alleviate the humanitarian situation, the Iraqi authorities were creating untold hardship for most of the population.

19. The Islamic Republic of Iran should end immediately its practice of arbitrary detention and ill-treatment of detainees, non-observance of due process, and summary or unjustified executions. It should also rescind the fatwa against Salman Rushdie and end all discrimination against religious minorities - Christians, Jews and Baha'is. His delegation welcomed the fact that the Special Representative for the Islamic Republic of Iran had been invited to visit that country, and considered that the Iranian authorities should take the necessary measures to ensure that that visit took place as soon as possible and without conditions.

20. Human rights violations were continuing on a massive scale in Myanmar. The release of Daw Aung San Suu Kyi from house arrest had not improved the overall situation. Thousands of political prisoners were still detained in deplorable conditions. The regime continued to torture and execute its opponents or to subject them to forced labour instead of committing itself to national reconciliation and democratic reform.

21. In East Timor, the initiation of a dialogue between the representatives of all political leanings had made it possible to achieve a degree of consensus. However, the territory continued to be racked by violence and killings, and the Indonesian National Human Rights Commission had reacted to that situation. The Indonesian Government should implement the recommendations of the Special Rapporteur on Extrajudicial, Summary or Arbitrary Executions. His delegation expected the Government, which had invited the High Commissioner for Human Rights, to grant the High Commissioner access to all persons he wished to meet.

22. His delegation was still concerned at the human rights situation in China, especially with regard to the freedom of expression and religion. Canada appreciated China's efforts to make the judicial system more transparent and open, and looked forward to be able to cooperate with China on the issues of human rights and the rule of law.

23. His delegation urged the Vietnamese authorities to implement the recommendations of the Working Group on Arbitrary Detentions following its October 1994 visit to Viet Nam, and to put an end to the practice of imprisoning religious leaders and individuals calling for democratic reforms.

24. The Cuban authorities' release of a number of political prisoners was a sign of goodwill, as was the progress that had been achieved in the area of economic and social rights. Nevertheless, much remained to be done in the areas of civil and political rights. His delegation urged Cuba to receive the Special

Rapporteur. Cuba should follow through on its stated willingness to work with thematic rapporteurs.

25. The situation was not uniformly bleak. Other parts of the world had made progress towards greater respect for human rights. In that regard, the situation in Latin America was encouraging.

26. The return of President Aristide to Haiti had enabled the Government to improve the human rights situation. Canada would continue to support the strengthening of civil institutions in Haiti, as had the High Commissioner for Human Rights in the case of the National Commission of Truth and Justice and as the Centre for Human Rights intended to do by organizing specialized training seminars in Haiti.

27. His delegation noted with satisfaction that the independent expert of the Commission on Human Rights who had visited El Salvador had concluded that that country had made significant progress in respect for human rights, and it attached special importance to the conclusion of a technical cooperation agreement between the Government of El Salvador and the Centre for Human Rights.

28. His delegation also noted the continuing improvement in Peru's human rights situation and the fact that free and democratic elections had again been held in early 1995. However, the authorities had not yet eradicated the practice of arbitrary detention and other grave human rights abuses by security forces. Peru should put an end to those abuses and strengthen its democratic institutions.

29. In Colombia, the administration and the judiciary were making efforts to put an end to corruption, the activities of drug-traffickers, and impunity for all human rights violators. However, their task was complicated by escalating violence.

30. Recent reports from the Human Rights Verification Mission in Guatemala (MINUGUA) had shown that human rights in Guatemala still provided grounds for serious concern. His delegation hoped that the results of the recent elections would help encourage respect for human rights and strengthen democratic development in Guatemala.

31. In the year of the fiftieth anniversary of the United Nations and more than two years after the World Conference on Human Rights, the United Nations system was still not adequately equipped to meet the growing demands confronting it in the field of human rights. The stakes were crucial: if the system could not meet a basic responsibility that was central to the very purpose of the Organization, it was not clear how it could ensure economic and social development and guarantee international peace and security.

32. Mr. BIGGAR (Ireland) said that his delegation wished to deal more specifically with the question of religion or belief. While all human rights derived from the inherent dignity of the human person, freedom of thought, conscience, religion or belief was in a unique way central to human dignity. If freedom to follow one's conscience and beliefs was removed, what was left of human freedom? It was for that reason that the Universal Declaration of Human

Rights considered that freedom of speech and belief, along with freedom from fear and want, were among the highest aspirations of humanity.

33. Religion or belief was central to the identity of each individual person, whether one adhered to an organized religion, whether one followed new cults, or whether, out of personal conviction, one adhered to no religious belief. Moreover, religion, together with language, ethnic origin or political views, frequently formed part of the basis - if not the sole basis - that linked together the individual members of a particular community.

34. There could be no doubt that it was because of religious intolerance and discrimination based on religious belief, which were as old as recorded history, that freedom of religion and belief had been among the first issues to be addressed in the development of human rights standards. Indeed, many of the principles underlying modern human rights standards had arisen from the assertion by individuals of their fundamental right to profess the belief of their choice and their denial of the right of States or rulers to impose religious beliefs on the individual. Article 4 of the International Covenant on Civil and Political Rights underlined the fact that freedom of religion and belief was central to human rights: it was one of the rights from which no derogation could be made, even when the life of the nation itself was threatened. And just as the right to profess or adopt the religion or belief of one's choice could not be limited, the same held true for the right to change one's religion.

35. Fifty years earlier, the Charter of the United Nations had proclaimed the duty of States to protect human rights and fundamental freedoms for all without distinction as to race, sex, language or religion. That commitment had been reaffirmed by the international community on numerous occasions, in particular in the Universal Declaration of Human Rights, the International Covenants on Human Rights and the Vienna Declaration and Programme of Action. The question of religion and belief had been addressed more specifically in the Declaration on the Elimination of All Forms of Intolerance and Discrimination Based on Religion or Belief.

36. The Special Rapporteurs of the Commission on Human Rights had demonstrated that freedom of religion and belief continued to be violated in many parts of the world, particularly in the Islamic Republic of Iran, Iraq, China, the former Yugoslavia and the Sudan. In the most serious cases reported, persons who did not profess the religion of the majority had been subjected to systematic persecution, if not to torture or execution. In certain cases, for example in the former Yugoslavia, violations of the right to freedom of religion or belief had been the consequence of ethnic conflict and a desire to eradicate the religious and cultural base of certain ethnic communities.

37. His delegation was particularly concerned at the situation of religious minorities in the Islamic Republic of Iran. The persecution of the Baha'is threatened the very existence of that community, and some members of the Christian community had also been attacked. He looked forward to the report of the Special Rapporteur on Religious Intolerance, who was scheduled to visit Iran in the near future. He also welcomed the announcement by the Special Representative of the Commission on Human Rights on the situation of human

rights in the Islamic Republic of Iran that he had also been invited to visit the country, and he urged the Iranian Government to allow him to make his visit as soon as possible and without conditions.

38. The situation of religious believers in China also gave cause for concern. In particular, there had been clear attempts to undermine the ethnic, cultural and religious identity of Tibet, including interference in the selection of the Panchen Lama.

39. His delegation had also taken note of the examples of religious intolerance included in the report of the Special Rapporteur on the situation of human rights in the Sudan and he urged the Sudanese Government to respect religious freedom and cooperate with the Special Rapporteur. It could make a start by dissociating itself from the threats that had been made against the Special Rapporteur personally. His delegation would appreciate clarification of the remarks made by the representative of the Sudan at a recent meeting of the Third Committee.

40. The interim report of the Special Rapporteur on Religious Intolerance, which summarized the information that he and his predecessor had received, made it clear that intolerance and discrimination based on religion and belief occurred throughout the world and affected people of all religious persuasions. The majority of violations of the right to religious freedom perpetrated during that period had also involved violations of the right to life and the right to physical integrity and security of the person.

41. Governments must ensure that their constitutional and legal systems provided de jure and de facto protection for human rights and fundamental freedoms, including freedom of religion and belief, and offered remedies to people whose rights had been violated. They should also keep the number of restrictions on human rights to a minimum. As far as freedom of religion was concerned, the only possible restrictions related to the freedom to manifest one's religion or beliefs, and such limitations were only permissible if they were prescribed by law and complied strictly with the provisions of article 18, paragraph 3, of the International Covenant on Civil and Political Rights.

42. The best safeguard was still the inculcation of tolerance, specifically towards people who professed a religion which was not shared by the majority of a country's population. Governments could use the educational system to achieve that goal. Non-governmental organizations also played a vital role by exposing cases of discrimination and intolerance and bringing them to the attention of the international community. In the last analysis, however, individuals had to ask themselves whether, consciously or otherwise, they were promoting intolerance or discrimination in matters of religion or in other matters.

43. His delegation intended to introduce a draft resolution on the elimination of all forms of intolerance based on religion or belief. It hoped that it would be adopted by consensus and that the international community would thereby show its determination to ensure that all individuals could profess and practice the religion or belief of their choice without fear of discrimination.

44. Mr. MEHRPOUR (Islamic Republic of Iran) said that the General Assembly had always been concerned with human rights questions. Numerous instruments had been adopted and numerous bodies had been formed to implement the principles of brotherhood, equality and non-discrimination embodied therein. However, the world was still witnessing extensive violations of human rights, such as crimes against humanity, genocide and other attacks on human dignity, for example those perpetrated against the Muslims of Bosnia or communities in Rwanda. The world had also witnessed alarming and shameful new forms of slavery or sexual exploitation such as the traffic in women and children. Some commendable steps had been taken, such as the announcement of the Decade for Human Rights Education and the United Nations Year for Tolerance, and measures had been put in place to combat violence. However, although efforts to encourage tolerance were commendable, the need to strengthen the spirit of religion and faith in God, which played a pivotal role in the prevention of human rights violations, should not be neglected in the educational projects of the United Nations. Impartiality should be the guiding principle whenever the United Nations investigated the human rights situation in various countries, and the questions under consideration should not be exploited for political ends - the countries concerned would be more receptive to United Nations recommendations if they were perceived to be impartial. Similarly, in order to achieve as broad a consensus as possible and maximize cooperation, the international community should pay due attention to the ethical, cultural and religious values of all nations.

45. His Government, relying on the lofty principles of Islam, had put in place a just system in which the rights of all were respected. In addition to the State institutions responsible for enforcing the laws that had been adopted in accordance with the Constitution, which guaranteed universal equality before the law, there were also three institutions which ensured respect for the rights prescribed by the Constitution: a special committee to examine complaints laid before Parliament by individuals who believed that their rights had been violated by the executive or the judiciary; a tribunal for administrative justice, which was responsible for examining complaints lodged against government agencies and their officials and, where appropriate, nullifying any decisions handed down by those agencies that it determined to be contrary to existing laws and procedures; and a national inspection organization, which monitored compliance by all government bodies with the rules of law. Moreover, in accordance with General Assembly resolution 48/34 and the recommendations of the Vienna World Conference on Human Rights, his Government had, at the beginning of 1995, established a commission for Islamic human rights comprising a supreme council and numerous committees to address various issues relating to individual rights, such as the protection and promotion of women's rights, the Islamic doctrine of human rights and the investigation of complaints. In all its efforts, the Islamic Republic of Iran had benefited from the cooperation of United Nations bodies and it hoped that such cooperation would continue in the future.

46. Mr. MATESIC (Croatia) said that all human rights, including the right to development, were equal and there should be no attempt to create a hierarchy of rights. Cultural, economic and societal differences between countries must be considered when addressing the issue of respect for human rights, but those differences should not serve as an excuse for the failure of certain States to respect internationally recognized standards. Moreover, the issue of human

rights must be approached objectively; the use of human rights to pursue a political agenda could prove counterproductive.

47. In order to protect human rights effectively, it was necessary to strengthen the established mechanisms. Universal ratification of the human rights instruments would be a step in the right direction, but it must also be followed by the actual implementation of those instruments by States parties. The coordination of United Nations mechanisms must also be strengthened and their work must be rationalized. To that end, support, in particular financial support, should be given to the United Nations High Commissioner for Human Rights.

48. Croatia was pleased that the peace negotiations in Dayton (Ohio) had resulted in the signing of an agreement, which must now be implemented. It was Croatia's fervent hope that the gross violations of international humanitarian law and of human rights initiated by Serbian aggression would finally end. The incomprehensible barbarity of the Bosnian Serbs during the seizure of the towns of Srebenica and Žepa, and more recently, in the Banja Luka region, and the lack of response on the part of the international community had been shocking. The Croatian community in Serbia and Montenegro, especially in the province of Vojvodina, had been subjected to all kinds of attacks. It was extremely disturbing that the authorities of the Federal Republic of Yugoslavia refused to recognize the existence of a Croatian national minority and to protect its rights. Of equal concern was the fate of the remaining non-Serbian population in the Vukovar region of eastern Croatia, where thousands were missing or had been forced to leave their homes.

49. The recovery by Croatia of much of its territory had generated controversy and accusations of violations of international humanitarian law and human rights. Croatia intended to discuss those issues in a straightforward manner, as it had demonstrated by the fact that it had granted unimpeded access to its territory to numerous human rights organizations. It should be borne in mind that the military operations in question had been conducted within its internationally recognized borders in order to restore the authority of the legitimate and democratically elected Government; that they had liberated the local population from the control of foreign occupation forces which for three years had conducted a campaign of genocide against ethnic Croats and other non-Serbian citizens of Croatia; and that, by lifting the seige of Bihać, they had spared thousands of individuals from meeting the same fate as the inhabitants of Srebenica. The number of Serbian civilian casualties had been extremely low for an operation on such a scale. Croatia was therefore surprised at the barrage of criticism and inaccurate and exaggerated accusations of human rights violations that had been levelled against it by international observers, which had served only to complicate still further its role in the peace process. The Government of Croatia strongly condemned the human rights violations which had been perpetrated by certain individuals or groups; it had instituted proceedings against the perpetrators of such acts and had taken measures to remedy the situation, as was confirmed by the reports of the International Committee of the Red Cross. It categorically denied that the Croatian armed forces had conducted "ethnic cleansing" during those operations. The Special Rapporteur had made no such claim in her recent report, nor could such a claim be substantiated by the facts. The overwhelming majority of the Serbs who had left in advance of the

Croatian forces had done so on the instructions of their leaders. That organized evacuation could not be compared to the mass killings, rapes and forced evictions suffered by the non-Serbian population in Croatia and Bosnia and Herzegovina.

50. It was unacceptable to attempt to place equal blame on all parties for the conflict and the human rights violations by using the term "ethnic cleansing" indiscriminately. That was a euphemism coined by the Serbs, which was used by those who did not wish to speak of genocide because, if they did so, they would have to intervene accordingly. Currently the term was used to apply political pressure. The conflict in the former Yugoslavia had been instigated by Serbia and Montenegro for purposes of territorial expansion. A refusal to recognize that fact did a disservice to everyone, both to the Serbs, who must face the truth if they wished to learn from their mistakes, and to the international community, which must distinguish between torturers and their victims if it wished to establish a lasting peace.

51. Mr. SAHRAOUI (Algeria), noting the importance which the question of human rights had assumed in the concerns of United Nations bodies, as witnessed by the major international conferences held in recent years, said he welcomed the consensus which had finally been reached on the concept that economic, social and cultural rights and civil and political rights were indivisible, equal and interrelated, a concept which was the only approach capable of ensuring the protection, promotion and, eventually, the enjoyment of all human rights.

52. Algeria, which was aware that the protection of human rights was first and foremost the responsibility of Governments, as stated in the Vienna Declaration and Programme of Action, had given human rights a prominent place in the plans for the building of a modern State based on republican principles, democracy and the changeover of political power between parties. It had therefore acceded without reservation to the international instruments for the protection of fundamental rights and, unlike many States Parties, had accepted all the monitoring mechanisms prescribed, even those which were optional. It had also recently held pluralistic presidential elections which had taken place in the presence of international observers with the broad participation of the Algerian people, in an atmosphere of calm and serenity.

53. Terrorism was responsible for the most serious and radical attacks on human rights, beginning with the most sacred, the right to life. But, as a legacy of the cold war, explanations were demanded only from States, and never from groups or individuals who spread terror and death. For instance, two previous speakers, in addition to arrogating to themselves the right to dictate to the Algerian people the future institutional evolution of their country, had failed to express the slightest sympathy for the unfortunate victims of terrorist fanaticism. Instead of siding with countries which, like Algeria, had made enormous sacrifices in order to promote human rights and democracy, some detractors preferred to level highly politicized criticisms against them, even offering a safe haven to the official spokesmen of terrorism and refusing to join those who were taking action to gain recognition of the value of the human person. Algeria now had a solid democratic foundation. It had established a political timetable for a dialogue with those political forces that rejected violence and pluralistic legislative and municipal elections which it intended

to pursue at its own pace. It would resist religious extremism and would protect the fundamental rights of its citizens by combating intolerance and related violence, as the Vienna Declaration and Programme of Action required.

54. The Vienna Conference had reaffirmed that the right to development was universal and inalienable and was an integral part of the fundamental rights of the human person. But that right, which was recognized by consensus, still had to be translated into action. A distinction was still being made between different categories of human rights, even though economic, social and cultural rights, as well as civil and political rights, were embodied in the mandates of international organizations. Unless there was a mechanism to monitor their translation into action, no progress would be achieved in the realization of the right to development. Algeria strongly endorsed resolution 1995/13 of the Commission on Human Rights, in particular the idea of establishing a programme unit in the Centre for Human Rights for the promotion of economic, social and cultural rights, in particular those related to the debt burden of developing countries, and that of organizing an expert meeting on the role of financial institutions in the attainment of those rights. His delegation fully supported the consultations conducted by the High Commissioner for Human Rights with Heads of State and the international financial institutions on the impact of structural adjustment on the implementation of the right to development. It hoped that the United Nations declarations, programmes of action and resolutions would quickly be translated into action in order to ensure, at both the national and the international levels, the exercise of all fundamental rights.

55. Mr. POERNOMO (Indonesia) said that he was encouraged to note that, since the adoption of the Vienna Declaration and Programme of Action, the international community had shown greater willingness to work by consensus and to cooperate in the promotion and protection of human rights. Despite that encouraging progress, it was essential to strengthen international cooperation in that field if the international community wished to avoid confrontation and misunderstanding, which were counterproductive.

56. The High Commissioner for Human Rights was making sincere efforts to provide policy direction and to bring greater coordination and effectiveness to United Nations human rights activities. He reaffirmed the need for the General Assembly, the Economic and Social Council and the Commission on Human Rights to rationalize their work with a view to avoiding duplication and promoting consensus through a strengthened system of consultation. The Indonesian delegation welcomed the efforts that were under way to strengthen the Centre for Human Rights, whose technical and advisory services were of particular importance for the developing countries as they endeavoured to strengthen their national human rights programmes. In addition, however, adequate resources must be made available to the Centre.

57. The Vienna Declaration stipulated that all human rights were universal, indivisible and interdependent and that as such they should be treated on the same footing and given the same emphasis. Limited resources, however, hindered the efforts of many developing countries to promote economic, social and cultural rights. Nevertheless, greater efforts must be made to promote those rights, in particular the right to development, which, as the World Summit for

Social Development had reaffirmed, was a universal and inalienable right and an integral part of fundamental human rights.

58. In keeping with its Constitution and pledged to a democratic system that permitted the expression of the aspirations of the people and respect for their culture, history and traditions, Indonesia was committed to the promotion and protection of human rights and was ready to work in a spirit of cooperation, setting aside extraneous political agendas. It hoped that the cooperation already begun by the United Nations would be further strengthened at the approach of the fiftieth anniversary of the Universal Declaration of Human Rights, a document adopted by consensus and with foresight.

59. Mr. ARDA (Turkey) said that the role of the United Nations in the protection of human rights was continuously expanding because, all too often, those rights were not respected and because the very notion of fundamental human rights was evolving. It was incumbent on all, States, groups and individuals, to recognize those rights which should be absolutely respected and not subjected, as some sought to do, to accommodations. The Universal Declaration of Human Rights, which established universal standards in that field, stated it very clearly: by forbidding groups and individuals as well as States from violating fundamental rights and freedoms, it implied that States too could be guilty of violations. While the main concern to date had been about violations committed by Governments, it was now necessary to put an end to the violations committed by groups which did not belong to the State and whose actions were sometimes worse than the excesses of Governments.

60. In Bosnia and Herzegovina, where the so-called defenders of human rights had been content for three and a half years to stand idly by as the worst atrocities were committed, lasting peace could be restored only if the martyred populations saw that justice prevailed: victims should not be confused with their executioners. It was imperative for the latter to be judged and for the International Tribunal for the former Yugoslavia to receive from the international community all the resources, material and otherwise, which it needed to carry out its tasks and to ensure that its decisions were effectively implemented.

61. The Albanians of Kosovo lived in fear, the object of repressive measures aimed at modifying the ethnic balance of the region. It was essential for the international community to establish mechanisms for monitoring the situation before it threatened the security of that entire part of Europe and before the problem spread further afield. Greater efforts must also be made to restore calm in Azerbaijan, where the occupation of one fifth of the territory had displaced more than a million people.

62. Despite the threat posed by a terrorist movement encouraged from abroad, Turkey was endeavouring to extend still further the scope of individual rights and freedoms: in 1987, it had given each citizen the right to have individual recourse to the European Commission of Human Rights; in 1988, it had ratified the European and the United Nations Conventions against Torture; it had also ratified the European Social Charter and the Paris Charter; and, in 1990, it had recognized the binding jurisdiction of the European Court of Human Rights. The international instruments which it signed were fully incorporated, by its

Constitution, into national legislation and took precedence where there was incompatibility with national law. It continually reviewed the latter in order to gradually expand the scope of the rights and freedoms enjoyed by citizens. Turkey attached great importance to the education of minds and had introduced into its primary, secondary and higher education programmes, as well as in police training schools, mandatory courses in democracy and human rights. It noted with satisfaction that the High Commissioner for Human Rights was seeking to develop national programmes of action and to promote technical assistance aimed at strengthening that type of education.

63. Mr. BAIG (Pakistan) said Pakistan was deeply interested in the establishment in Asia of regional and subregional mechanisms for promoting and protecting human rights. It also placed special emphasis on the need to use objective criteria when appointing rapporteurs and special representatives and to avoid any politicization and partiality which might detract from the effectiveness of the work of those observers. The international community must also resolutely oppose the attitude of certain States which refused to cooperate with the observers, took reprisals against individuals and groups which made contact with human rights mechanisms and believed that they could violate human rights with impunity. Attention must also be paid to the silent tragedies.

64. The situation continued to deteriorate in the state of Jammu and Kashmir, where Indian troops had set on fire the entire town of Charar-i-Sharif, gutted 1,000 houses and desecrated the holiest shrine. The cosmetic measures aimed at transparency which had been taken by the Indian Government were a ploy to mislead international public opinion as the level of repression escalated. Observers reported mass killings, detentions, rape and other systematic violations of human rights by the Indian authorities. Pakistan called for the dispatch of a fact-finding mission to ascertain the situation there.

65. The interventions in Burundi, Rwanda and in the former Yugoslavia had produced positive results. However, the monitoring of human rights within the framework of peace-keeping operations was no longer enough. Current monitoring arrangements must be reviewed and a more integrated approach to operations adopted. The establishment of tribunals charged with the prosecution of persons presumed to be responsible for violations of international humanitarian law in the former Yugoslavia and in Rwanda had filled a legal void. Pakistan hoped that the High Commissioner for Human Rights would continue to provide assistance to developing countries and countries in transition for the establishment of national mechanisms for protecting and promoting human rights. Pakistan had established a human rights cell which it had now decided to convert into a separate ministry.

66. Violations of the fundamental human rights of women continued to occur all over the world. The various forms of discrimination against women must be eliminated by concerted efforts at the international level. The Beijing Declaration and Platform for Action must be implemented in order to empower women at all levels through the introduction of a gender perspective in United Nations policy and to protect women against violence.

67. The realization of the right to development, which required the promotion of economic, social and cultural rights, was also of great importance. It would

serve to eliminate some of the basic and recurrent causes of human rights violations and modify relations between the developed and developing countries. Pakistan looked forward to the seminar on the role of the international financial institutions in the realization of economic, social and cultural rights. It hoped that the efforts of the international community would assume universal scope and extend to the oppressed who had thus far received little attention.

68. Mr. LIM (Republic of Korea), speaking in exercise of the right of reply with reference to the statement by the representative of the Democratic People's Republic of Korea at the previous meeting, said that the latter was not in a position to talk about human rights, which his Government failed to respect in any sphere, whether political, economic or social. The totalitarian system which prevailed in that country, where power was transmitted as in a medieval dynasty, was not such as to permit the participation of individuals; it condemned its people to a life of economic insecurity, and kept them under close surveillance and subject to all manner of strict controls. Amnesty International had even reported that more than 100,000 political prisoners were detained in huge concentration camps.

69. His own country, on the contrary, was a genuine civilian democracy and ranked eleventh in the world economy. It allowed its people to come and go as they pleased and was committed to the protection of fundamental human rights, as could be seen from its continuing participation in the work of the Commission on Human Rights.

70. It had enacted a national security law because the Democratic People's Republic of Korea had been sending in armed agents and kidnapping its nationals abroad. It should be borne in mind that that country's Communist Party had set as its primary goal the reunification of the Korean peninsula under Communist rule, as its charter laid down.

71. If the Democratic People's Republic of Korea, which had never made its Penal Code public, wished to give lessons to other countries, it should start by opening up its own society and allowing in human rights organizations to observe it. Its representatives could also be expected to observe the minimum standards of decorum proper to multilateral bodies, thus proving that it was moving in the direction of reform.

72. Mr. ARDA (Turkey), replying to the criticisms made by the European Union, asserted that Turkey was a fully functioning democracy with all its institutions. The recent revision of the Constitution, which should enable citizens to participate to an even greater degree in political life, and the amendments to anti-terrorist legislation, which had resulted in the release of hundreds of persons, indeed proved that the Government and Parliament were firmly committed to further strengthening democratic institutions. Similarly, although the European Convention on Human Rights permitted the Government to introduce stringent measures in the emergency situation created by the virulent campaign of violence by the huge terrorist organization, the Kurdish Workers Party (PKK), it had preferred to give broader protection to freedom of expression.

73. In all countries there were shortcomings in legislation protecting human rights and in its implementation. That was also the case in the States of the European Union, where serious breaches of fundamental rights were often to be observed, in particular, racist acts of which Turks were often the victims. It was time to stop making one-sided allegations, based purely on political considerations, and attempting to meddle in the functioning of national justice. His Government could not regard as political opponents individuals whose connections with the PKK had been proved by independent courts. It was not guilty of an abusive use of armed force just because it was endeavouring to secure the safety of its nationals within its frontiers, as any State must do. The problem of terrorism could not be settled by pious wishes and ambivalent attitudes. The Government respected the law, and it was precisely because it refused to use more coercive measures that the terrorists were able to continue their machinations in its territory. It cooperated with the United Nations Commission on Human Rights and the Committee against Torture as well as the European Commission on Human Rights and the European Committee for the prevention of torture and inhuman or degrading treatment or punishment. The International Committee of the Red Cross, whose mandate did not include human rights, was not competent to deal with the issue of combating terrorism and had no reason to intervene in Turkish affairs.

74. Mr. AL-DOURI (Iraq), replying initially to the criticisms made by the representative of Canada, regretted that they emanated solely from the evidence submitted by the Special Rapporteur, although his Government had taken pains to reveal the fallacious nature of that information, which was manifestly based on political considerations. The Shiites, who were of Arab origin and did not comprise a religious group, accounted for 10 per cent of the population and were a basic part of it; they were completely integrated into the nation's political, social and cultural life and inter-group conflicts existed solely in the imagination of the Special Rapporteur. The Kurds were currently grouped in a zone under American supervision and no longer came under the authority of the Government of Iraq, which therefore could hardly be said to be infringing their rights. Critics who reported political assassinations would find it difficult to identify a single instance. With regard to the alleged Government reprisals against the population, it was difficult to imagine how leaders worthy of the name could fail to try to provide a response to their nation's needs. If his Government rejected Security Council resolution 986 (1995), it was precisely for humanitarian reasons; if it was unable to export its oil and was subjected to unacceptable conditions, it was the population that suffered as a result.

75. The representative of Ireland for his part had made allegations of religious intolerance against the Government of Iraq; those allegations were completely fallacious. It should be known that Iraq had, throughout its history, shown tolerance to religious minorities, for example, by taking in Christians from countries outside the Arab world. It also maintained good relations with the Holy See and hosted two Christian conferences every year; and the Government had two Christian ministers.

76. Mr. PANG SENG (China), noting that certain countries were ever ready to indulge in the pleasure of criticizing others, wished to reply in particular to the representative of Ireland, a country which would do well to engage in some soul-searching and consider the religious idiosyncrasies of its own population,

as well as the constraints that it placed on certain fundamental rights. When its representative dared to take the liberty of making outrageous comments on Chinese policy and reproached China for interfering in the religious customs of Tibet, it might be wondered whether he had any idea at all of the traditions of Tibetan Buddhism or of the diverse religions existing in China. He could only be advised to remain silent, instead of interfering in the internal affairs of other countries.

77. Mr. KUOL-ALOR (Sudan) replied to the representatives of Ireland and Canada by referring them to document A/C.3/50/10, in which his Government had refuted in detailed form all the baseless allegations against it. However, he wished to repeat that his Government was prepared to receive the Special Rapporteur once again and to cooperate with him, with the express proviso that he would withdraw the insulting comments he had made in respect of Islamic law and doctrine. If the Special Rapporteur agreed to accept that modest and reasonable requirement, he could be assured of the assistance of the Government of Sudan, despite the many reservations that Government might have with regard to a person who showed partiality, maintained relations with the opposition abroad and called for foreign intervention and sabotage to overthrow the leaders in power. The Government considered that it was no solution to assassinate the Special Rapporteur, but if the latter continued to demand the abolition of Islamic law, it would not answer for the fate which might await him at the hands of offended Muslims.

78. Mr. LI Song Il (Democratic People's Republic of Korea) replied to the representative of the Republic of Korea with a lengthy comparison of the good conditions in the Democratic People's Republic of Korea - which guaranteed respect for human rights, took pains to ensure equality between rich and poor, placed the means of production at the service of the people and gave the family the position it deserved - with the situation in the Republic of Korea, an open prison where dirty money was laundered. In particular, he referred to the national security law, which had been enacted as a result of the notion that the neighbour to the North was the enemy and which enabled its leaders to imprison certain citizens and remain in power.

The meeting rose at 6.25 p.m.

UNITED NATIONS

General Assembly

FIFTIETH SESSION

Official Records

THIRD COMMITTEE
48th meeting
held on
Monday, 4 December 1995
at 10 a.m.
New York

SUMMARY RECORD OF THE 48th MEETING

Chairman: Mr. TSHERING (Bhutan)

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Distr. GENERAL
A/C.3/50/SR.48
17 January 1996

ORIGINAL: ENGLISH

95-82597 (E)

The meeting was called to order at 10.30 a.m.

AGENDA ITEM 112: HUMAN RIGHTS QUESTIONS (continued)

(a) IMPLEMENTATION OF HUMAN RIGHTS INSTRUMENTS (continued) (A/50/40, 44, A/50/75-E/1995/10, A/50/78-E/1995/11, A/50/93-E/1995/16, A/50/122-E/1995/18, A/50/160, 164, 469, 472, 505, 512 and 755)

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(d) COMPREHENSIVE IMPLEMENTATION OF AND FOLLOW-UP TO THE VIENNA DECLARATION AND PROGRAMME OF ACTION (continued) (A/50/36)

(e) REPORT OF THE UNITED NATIONS HIGH COMMISSIONER FOR HUMAN RIGHTS (continued) (A/50/36 and A/50/743)

1. Mr. NOGUERA (Guatemala) said that the implementation of human rights had become a basic aspect of international efforts to establish a world order based on cooperation, stability and peace. His delegation agreed with the ideas put forward in the report of the United Nations High Commissioner for Human Rights (A/50/36) as guidelines for international cooperation, in accordance with the 1993 Vienna Declaration and Programme of Action. Guatemala strongly supported the work of the High Commissioner and urged the international community to ensure that the Centre for Human Rights had the necessary resources to carry out its mandate. The provision of support to the High Commissioner and the Centre should be a priority objective of the United Nations system as a basis for strengthening democracy throughout the world.

2. Guatemala was currently experiencing one of the most important periods of its political development. The armed conflict in the country, which had lasted almost 35 years, was coming to an end, thanks to the political will of the people and the Government as well as the support of the international community. The role of the United Nations Mission for the Verification of Human Rights in Guatemala (MINUGUA) was particularly important. As a result of the agreement on human rights signed between the Government and the insurgents and the work of MINUGUA, the number of human rights violations had diminished. An unfortunate incident had occurred on 5 October 1995 in a camp for returnees located in the

area of conflict. The incident, which had led to the death of 11 persons, including three soldiers, had apparently been provoked by returnees. Those involved had been immediately arrested and were being tried. The incident had also led to the immediate dismissal of the Minister of Defence. It was hoped that that case would help strengthen the judicial system in Guatemala.

3. Building a constitutional State in Guatemala was a complicated process and went hand in hand with pacification. One of the aims of that process - the subordination of the security forces to the civilian authorities - would soon be achieved. The run-off in the presidential election would be held on 7 January 1996 under international monitoring in accordance with recognized democratic procedures. Lastly, he urged the international community to continue its support for the peace negotiations between the Guatemalan Government and the insurgents in order to establish lasting peace in the country.

4. Mr. BAKURAMUTSA (Rwanda) said that his Government was open to cooperation with the representatives of human rights organizations, including United Nations monitors. However, his delegation did not feel that the report of the High Commissioner for Human Rights on the Human Rights Field Operation in Rwanda (A/50/743) or the report of the Special Rapporteur on the situation of human rights in Rwanda had adequately reflected the efforts made by the Rwandan Government to promote human rights and national reconciliation. The reports did not sufficiently stress the problem of genocide or the role of the United Nations monitors in that regard. The Special Rapporteur had referred to the lack of information on the part of the monitors in the field and the disappearance of documents, which had created problems concerning the quality of his report. Neither did the Special Rapporteur underscore the situation of war criminals, who were wandering around in various countries which were parties to the Convention on the Prevention and Punishment of the Crime of Genocide. His Government wondered about the reasons for that approach and might draw appropriate conclusions and even refuse to cooperate.

5. Mr. TANJUATCO (Philippines) said that human rights were of special concern to the Philippine people who, in 1986, had overthrown an oppressive regime not by force of arms, but through their determination to claim their human rights. The Philippine Constitution, adopted in 1987, had established an independent National Commission on Human Rights empowered to investigate all human rights violations and to monitor the Government's compliance with its international treaty obligations. The Commission was also concerned with the promotion and protection of the rights of Filipinos living abroad, particularly women migrant workers. In accordance with the Constitution, human rights education had been incorporated into the school curriculum.

6. His delegation had noted with satisfaction the report of the Secretary-General on national institutions for the promotion and protection of human rights (A/50/452), particularly the account of the third International Workshop on National Institutions for the Promotion and Protection of Human Rights, which had been held in Manila. The Workshop had recommended that national human rights institutions should be granted observer status with the United Nations human rights bodies, including the Commission on Human Rights, and that cooperation between those bodies and the national human rights institutions should be enhanced. The Workshop had also made recommendations on the role of

national institutions with regard to the promotion of rights of women, disabled persons and indigenous peoples; the welfare of migrant workers; and the prevention of racism and racial discrimination.

7. His Government's human rights policy was based on two imperatives. First, the people must be empowered to participate in the decisions affecting their daily lives. That goal required special concern for the needs of the most vulnerable groups in society. His Government had consistently promoted initiatives aimed at improving the welfare of those groups and appealed to all countries which had not already done so to sign, ratify or accede to the relevant international instruments. It was a cause for concern that, while 20 countries must sign, ratify or accede to the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families before it could come into effect, only 7 had done so thus far.

8. Second, there must be a strong economy to meet the needs of the people. In both the Declaration on the Right to Development (General Assembly resolution 41/128, annex) and the 1993 Vienna Declaration and Programme of Action, the right to development had been identified as a fundamental human right. He welcomed the decision of the United Nations High Commissioner for Human Rights to devote special attention to that right. His Government, for its part, was striving to eliminate the conditions that caused human rights violations in the Philippines, namely poverty, injustice, the inequitable distribution of wealth and urban overcrowding. Ultimately, the promotion and protection of human rights depended upon the commitment of Governments, the dedication of leaders and the vigilance of peoples.

9. Mrs. BARGHOUTI (Observer for Palestine) said that the 1993 Vienna World Conference on Human Rights had constituted a major step towards the promotion and protection of human rights and that the United Nations, as a whole, and the Centre for Human Rights, in particular, should do more to accelerate the implementation of the Vienna Declaration and Programme of Action. Her delegation recognized the important role of the United Nations High Commissioner for Human Rights in that regard and his great efforts to improve the functioning of the Organization's human rights machinery. While she commended the High Commissioner for his valuable report (A/50/36), she believed that attention should be given to the violation of the human rights of people living under foreign occupation or alien domination. The international community should consider promotion of the right to development a top priority and strive to implement the recommendations of the Working Group on the Right to Development.

10. The human rights situation in the occupied Palestinian territory, including Jerusalem, was cause for grave concern. The Palestinian people were still being denied the right to self-determination, which was considered a basic human right under the Vienna Declaration and Programme of Action. The United Nations system should do more to assist the Palestinian people in their efforts to implement that right. The situation of the Palestinian refugees and displaced persons was another matter of grave concern. Approximately half of the Palestinian people were refugees, and a large number were displaced persons, who remained scattered throughout the occupied Palestinian territory, including Jerusalem, and in Jordan, Lebanon, Syria and other countries. The international community should

continue to provide them with the necessary assistance until a final and just solution was attained.

11. The demolition and sealing of Palestinian homes by the Israeli authorities continued to be used as means of collective punishment and represented a clear violation of human rights. Furthermore, the repeated imposition of curfews and closing of the West Bank, Gaza and Jerusalem by those authorities seriously affected the economic situation and development of the Palestinian people. Her delegation remained greatly concerned about the continuing practice of arbitrary arrest and imprisonment by the Israeli authorities and called for the immediate release of all remaining Palestinian prisoners and detainees.

12. The continuing confiscation of land and the building of illegal settlements by the Israeli Government also affected the rights of the Palestinian people and had dangerous consequences for the peace process. The promotion of the social, civil, political and economic rights of the Palestinian people could be guaranteed only by strict observance of the international human rights instruments and humanitarian law in the occupied Palestinian territory, including Jerusalem, particularly as set forth in the fourth Geneva Convention.

13. Mr. FERNÁNDEZ PALACIOS (Cuba) said that his delegation had been actively participating in the work of the Working Group on the Right to Development established by the Commission on Human Rights. The negotiations had unfortunately been impeded by positions which failed to recognize basic provisions of the Declaration on the Right to Development. It was hoped that the Working Group's mandate would be renewed soon so that it could conclude its work.

14. He expressed satisfaction at the manner in which the High Commissioner for Human Rights had been carrying out his mandate and would continue to support his work, recognizing the need for more resources to enable the Centre for Human Rights to carry out its mandate. Like many developing countries, Cuba believed that the only way to address human rights at the international level was through cooperation and dialogue, on the basis of the principles of universality and objectivity. There was also a need to strengthen the Centre through the establishment of a specific subprogramme for the implementation of the Declaration on the Right to Development, a more equitable distribution of resources among the various subprogrammes and a real balance in the geographical distribution of its personnel. It was also necessary to rationalize and simplify its activities to make it more effective. Cuba was ready to cooperate with all United Nations bodies in the implementation of all human rights in all countries.

15. The discussion of the situation of human rights in specific countries continued to be the occasion for rhetoric based on unjust and selective accusations. His delegation was concerned about the increasingly frequent manifestations of racism, intolerance, xenophobia and discrimination that occurred in the industrialized world, where the victims continued to be migrant workers and their families, refugees and ethnic and linguistic minorities. Cuba nevertheless recognized the efforts begun by some of those countries to formulate a general strategy to combat racism and xenophobic acts.

16. The most obvious case of grave violations of human rights in an industrialized country, however, was that of the United States, where the "American dream" was a tragic nightmare for vast sectors of its population in a society that was unable to conceal the situation of extreme inequality and open discrimination that affected tens of millions of African Americans, Latin Americans, Asians and indigenous people.

17. Perhaps the most accurate picture of the true human rights situation in the United States was to be found in its judicial and penitentiary system, where 1.5 million persons filled the prisons of that country, which had the highest rate of imprisonment and the largest juvenile penal system in the world. One could only conclude that the judicial system in the United States was one of the most repressive in the world and that that repression was carried out with particular force against minorities and other groups that were discriminated against. That was the model which that country tried to depict fraudulently as the universal archetype of a system guaranteeing respect for human rights. The elimination of such violations and the attainment of full respect for all human rights must be an objective of the United Nations. Cuba reaffirmed its full support for the Organization in that regard and hoped that those rights could be guaranteed in all aspects of political, economic and social life through dialogue and cooperation.

18. Mr. de ROJAS (Venezuela) said that, 50 years after the adoption of the Charter, it was clear that the human rights sphere was one of those in which the Organization had been most active, the principles of the Charter had been increasingly applied, and the domestic law of States had been strongly influenced by international standards. Instruments such as the Universal Declaration of Human Rights had served as vital pillars in the construction of an international regime in that field.

19. The Vienna Declaration and Programme of Action had marked the beginning of a new stage, in which an integrated approach to human rights was required. It was no longer a matter for States alone; it was a topic which concerned all of humanity, and called for more effective forms of cooperation. Events following the end of the cold war had emphasized the paradoxes of a world in transition; in addition to older problems, new challenges had arisen, such as intolerance, xenophobia and racism, and ethnic and religious conflicts. The international community was having to give serious thought to the concepts of nationality and sovereignty, and to seek a balance between the national principles of self-determination and non-intervention and so-called "supranational" exigencies.

20. It would be unacceptable and incomprehensible to discriminate between those human rights which could inspire interest and involvement by States and organizations, and others which would appear to be reserved for those countries that enjoyed them, with the latter feeling absolved of any moral duty to share their achievements. The World Conference on Human Rights had reaffirmed that the right to development was an inalienable human right. In a world characterized by widespread poverty, illiteracy and violence, the international community should endeavour to implement that right through effective development policies and equitable economic relations. Democracy was the most favourable framework for guaranteeing the full enjoyment of human rights, while development

would contribute to the consolidation and stability of democratic Governments, social harmony and a climate of peace throughout the world.

21. His delegation attributed particular importance to strengthening the Centre for Human Rights, whose work was becoming a focus for a developing, comprehensive human rights strategy. In that context, particular attention should be paid to economic and social rights and the right to development.

22. His Government was implementing a number of activities within the framework of the United Nations Decade for Human Rights Education, for the purpose of reinforcing a human rights culture. Those included the creation of a human rights commission, incorporating governmental and non-governmental bodies, the role of which was to promote human rights values in primary and secondary education. Similar initiatives had been undertaken in higher education and in police training.

23. He welcomed the report of the independent expert on the situation of human rights in Haiti (A/50/714). The international community should continue to support efforts to consolidate democracy in Haiti, which would be further strengthened by the forthcoming presidential elections. The Centre for Human Rights should continue its programme of technical cooperation with the Government of Haiti, with emphasis on legislative reform, training and human rights education. He expressed concern at recent acts of violence in Haiti, and hoped that such incidents would not impair the functioning of the democratic process. His delegation, together with a number of others, would shortly introduce a draft resolution on the situation of human rights in that country, to emphasize the commitment of the international community to helping Haiti to consolidate its democratic institutions and achieve full respect for human rights.

24. Mr. LAVROV (Russian Federation) said that in the 50 years since the inception of the United Nations, the ideals of freedom and human rights which had inspired its founders had withstood the test of the cold war and had been strengthened by the triumph of democracy in the world. Now, the Organization was entering a new era marked by fresh opportunities and challenges. Today, the interconnection between massive human rights violations and the outbreak of armed conflicts was becoming increasingly evident. Consideration of human rights issues within the United Nations system should, therefore, be more closely linked with the problems of safeguarding peace and security, and the Centre for Human Rights should study the relationship between those two areas.

25. The rationalization of the activities of the Commission on Human Rights remained a matter of urgency. His vision of the Commission was of a dynamic body, able to respond quickly and effectively to the most pressing human rights problems. Regrettably, politicized rhetoric often hindered United Nations activities in the human rights field. States must seek common ground, rather than focusing on the issues which divided them. A qualitative improvement of the United Nations human rights mechanisms was required to enable the Organization to respond to the challenges of the new era.

26. The Russian Federation had welcomed, in that context, the creation by General Assembly resolution 48/141 of the post of United Nations High

Commissioner for Human Rights and commended the High Commissioner's work to prevent human rights violations, encourage dialogue with Governments and improve the coordination of United Nations activities in the human rights field. His determined contribution to the efforts to resolve the conflicts in Rwanda and Burundi was particularly laudable. His delegation wished to draw the High Commissioner's attention to the need for strict impartiality and for more careful consideration of the names used to designate countries and areas within those countries in order to avoid political incidents.

27. One of the most important points of the 1993 Vienna Declaration and Programme of Action was the recognition that the promotion and protection of human rights were a legitimate concern of the international community. The Russian Federation supported that principle and, accordingly, had made every attempt to respond positively to the statement of the Chairman of the Commission on Human Rights on the situation in Chechnya. The federal armed forces had ceased military operations and dialogue was in progress with a view to arriving at a peaceful settlement of the conflict. His Government was striving to rebuild the Chechen economy and had scheduled elections. The International Committee of the Red Cross, the Office of the United Nations High Commissioner for Refugees and other humanitarian organizations enjoyed free access to all areas of Chechnya.

28. The protection of the rights of national minorities was a prerequisite for international peace and security. That issue was of vital importance for the Russian Federation, since 25 per cent of its nationals lived beyond its borders. His Government's policy was to encourage them to become integrated into the political, social and economic life of the newly independent States while preserving their cultural identity. There was a need to establish a legal basis for the protection of the rights of Russian nationals living in the territories of members of the Commonwealth of Independent States and the Baltic States and, conversely, nationals of those countries living in the Russian Federation. The recent signing by members of the Commonwealth of Independent States of a convention on the rights of national minorities was a significant step towards that goal.

29. In accordance with the Universal Declaration of Human Rights, everyone had the right to a nationality. Yet, the Russian-speaking population in Latvia and Estonia was being denied that right. The adoption in Latvia of a law on the status of citizens of the former USSR not having citizenship of Latvia or any other citizenship had gone some way to solving that problem. The situation of the Russian-speaking population in Estonia, however, was not improving. The authorities were exerting ever greater pressure on the non-Estonian population. The right of Russian Orthodox believers to freedom of religion was being infringed. The Russian Federation's concerns had been reflected in the comments of the Human Rights Committee on the reports submitted by Latvia and Estonia under article 40 of the International Covenant on Civil and Political Rights.

30. With regard to the situation in the territory of the former Yugoslavia, double standards were evident, with certain countries demanding air strikes in retaliation for ethnic cleansing committed by one side, while turning a blind eye to identical acts committed by the other sides. Such an approach could only undermine confidence in the impartiality of the international community. The

most important tasks for the United Nations now were to prevent further human rights violations, enable refugees and displaced persons to return to their homes, rebuild trust and conduct elections.

31. His delegation wished to draw attention to the situation in Afghanistan which, since the withdrawal of Soviet troops, had ceased to be a focus of international concern, despite the intensification of the violence and suffering there. He appealed to Member States to use their influence to secure the release of the Russian citizens held against their will by the Taliban Movement.

32. The Russian Federation viewed with optimism the continuation of the Middle East peace process and, as a co-sponsor, would do everything in its power to secure a lasting and just peace in the Middle East. The experience of the United Nations since its inception had shown that the attainment of peace, respect for human rights and freedom from fear and want was entirely dependent upon the efforts and abilities of its Member States.

33. Mr. STROHAL (Austria), speaking on agenda item 112 (d), said that the system-wide and integrated approach to human rights issues called for in the Vienna Declaration and Programme of Action was increasingly reflected in the activities of the United Nations system, a view confirmed by the recommendations of other recent international conferences.

34. The coordination of human rights protection went beyond the United Nations system: regional, national and non-governmental organizations constituted an increasingly close international network to ensure that Governments could exercise their primary responsibility in that area. The integrated approach was further rendered necessary through the interlinkage of human rights, democracy and sustainable development which not only underlay the Vienna Declaration and Programme of Action but was a prior condition for ensuring lasting international peace and security.

35. The full realization of human rights, however, remained fragile, as was apparent not only from the tragedies in Rwanda and in Bosnia and Herzegovina, but also from the continuing violations in all parts of the world, which took the form of summary executions, arbitrary detention, disappearances and torture and manifestations of new forms of racism and xenophobia in disregard of the fundamental principles of humanitarian law.

36. The provision of effective remedies and the prevention of human rights violations related to the use the international community made of the information received from the United Nations fact-finding and monitoring system. Providing remedies meant establishing clear accountability, overcoming the impunity of the perpetrators of violations and ensuring compensation for victims. That in turn meant an independent judiciary, the training of officials, human rights education and the strengthening of national institutions. Those national objectives could most effectively be achieved in an open and democratic society and in a clear framework for sustainable development.

37. Measures for national implementation found their natural support at the international level in the universal ratification of international human rights

instruments, the implementation of recommendations from treaty bodies or special procedures and the integration of human rights into development programmes. The provision of advisory services and technical assistance played a crucial role in that respect.

38. Similar considerations were true of prevention and underlined the continuum from providing remedies, through action to prevent human rights violations, to ensuring protection of human rights.

39. The United Nations High Commissioner for Human Rights had a central role to play in realizing those objectives. On the basis of a broad mandate and in a spirit of dialogue, consensus and solidarity, he had from the start shown his dedication and courage when confronted with the genocide in Rwanda. He had further been able to foster an integrated approach through his continuous dialogue with Governments and with international and non-governmental organizations. That approach, along with the restructuring of the Centre for Human Rights, needed adequate resources; there was therefore a need to endorse the Secretary-General's budget proposal for human rights activities.

40. It was in the spirit of enhancing international cooperation in human rights that his delegation was again submitting a draft resolution on the comprehensive follow-up to the Vienna Declaration and Programme of Action, and was confident of widespread support.

41. Other initiatives which his delegation was presenting to the General Assembly at the current session concerned the protection of minorities, which called for enhanced international cooperation to defuse conflict situations; attention to the specific needs of children and juveniles in conflict with the law in the context of human rights in the administration of justice; and the plight of internally displaced persons, in respect of which the work of the Secretary-General's representative on that question had been crucial.

42. Integration, coordination and cooperation were the keys to a comprehensive implementation of the Vienna Declaration and Programme of Action, which provided a framework for the international strategies - of which the High Commissioner was the focal point - for solving what were complex international problems.

43. Mr. VELLISTE (Estonia), speaking on agenda item 112 (b), cited the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities (General Assembly resolution 47/135, annex), which stated that the promotion and realization of the rights of persons belonging to minorities would contribute to the strengthening of friendship and cooperation among peoples and States. To put that into practice was no easy task, however. His delegation welcomed Commission on Human Rights resolution 1995/24, in which the Commission had decided to authorize the Subcommission on Prevention of Discrimination and Protection of Minorities to establish an inter-sessional working group to promote minority rights, and reiterated its opinion that adequate resources should be allocated to the Centre for Human Rights and to the High Commissioner.

44. He pointed out that Estonia had a tradition of legal protection and promotion of ethnic minorities which went back to 1925. The situation had

changed drastically during the years of the Soviet occupation, when the entire system of schools and cultural institutions had become increasingly Russian-speaking and any attempt to preserve national culture had been regarded as dissident nationalism. In 1993, after the restoration of Estonia's independence, the Estonian Parliament had adopted a new law on cultural autonomy whereby persons belonging to minorities enjoyed wide-ranging linguistic and cultural rights. The Government also provided public education in certain minority languages and was determined to continue that practice. Another development had been the establishment by the President of Estonia of the Round Table of Minorities, which was cooperating with the High Commissioner for National Minorities of the Organization for Security and Cooperation in Europe (OSCE) to promote dialogue between different minority groups residing in Estonia.

45. His delegation supported United Nations efforts to improve human rights monitoring and implementation and viewed the United Nations Covenant on Civil and Political Rights as an essential building-block in the process. It also supported the steadfast work of the United Nations High Commissioner for Human Rights. The United Nations still had room for improvement, however. One way to guarantee more involved discussions on human rights was to increase ties with other international organizations and to expand regional involvement. The exchange of information would result in a better knowledge of the issues at stake and would counter false information.

46. His Government had actively sought to correct the legacy of Soviet rule by becoming a party to the United Nations human rights conventions and by radically renewing its legislation and policies. A new criminal code had been drafted and judicial reform, based on democratic principles and the rule of law, was complete. There was, however, a need to develop legal and practical policies, with the aid of international organizations and Western States, to deal with persons illegally entering Estonia.

47. His Government gave priority to meeting internationally recognized legal and human rights norms. Citizenship and residency laws had been drafted under the guidance of the Council of Europe and were based on the continuity of the pre-war republic. An OSCE mission established in 1992 monitored events and kept a watchful eye on regional bilateral relations. To date, it had not recorded any human rights violations in Estonia.

48. The Government had taken unprecedented measures to assist the integration of its residents of foreign origin: non-citizens could vote in local municipal elections; there were no laws restricting employment to Estonian citizens; and Estonian language centres assisted non-speakers of the language. The policies were already showing results in the numbers of persons who had obtained Estonian citizenship and in the recent comments by the Vice-President of the United States, to the effect that Estonia was becoming a State based on tolerance and modern civic values.

49. Mr. PANTIRU (Republic of Moldova) observed that over the past five decades the scope of United Nations human rights activities had greatly expanded. The international community was taking a more balanced approach to the issue, which included economic, social and cultural rights along with civil and political

rights. The Vienna Declaration and Programme of Action had marked the culmination of a long process of review and debate over the current status of human rights machinery in the world, and had strengthened the foundation for additional progress in that area.

50. Democratization of society was closely connected with the promotion of human rights. It especially concerned countries in transition, which was a political process requiring consultation with and participation of all sectors of society. His Government had acceded to the major international human rights instruments, and did its utmost to fulfil the obligations arising from them. It recognized the rights of all minorities and considered respect for those rights to be an obligation of any democratic State. Aware that human rights problems were directly connected with the degree of stability of the country, his Government had done its best to solve those problems, initiating a number of normative actions regarding promotion and observance of the rights of national, linguistic and religious minorities. The country's Constitution provided favourable conditions for the representatives of all ethnic groups to be elected to Parliament and to public institutions, and provided everything necessary for the affirmation of their cultural, linguistic and religious identity. The law on languages that had been adopted was considered by international experts to be one of the most liberal laws of its kind in the States of the former Soviet Union.

51. Unfortunately, the process of establishing a democratic society in the Republic of Moldova was affected by separatist manifestations in the eastern part of the Republic, inspired and supported by certain external political influences. In the so-called Trans-Dniester Republic, political, economic, civil and cultural rights continued to be flagrantly violated. Moral and physical persecution of political opponents was also continuing. Claims made in recent years by ethnic Russians in the region that their rights were being systematically violated and that they needed Russian protection to guard against his Government's aggressive intentions were simply not true. The delegations of intergovernmental and non-governmental organizations which had visited the Trans-Dniester region had witnessed that there were no indications of any major coexistence problems between ethnic Moldovans, Russians and Ukrainians in the region. Any claim that a Russian military presence was necessary was at best dubious. His Government's readiness to grant special status to the region within the Republic of Moldova was further proof of the inconsistency of the separatist leaders' arguments.

52. Despite its ethnic connotations, the conflict in the Trans-Dniester region was a political and ideological one, between a breakaway minority of unreformed Communists and the constitutional authorities of the Republic of Moldova, who were making sincere efforts to steer the country towards democracy, a market economy and ethnic harmony. The illegal actions of the separatist leaders were supported by certain political forces from the Russian Federation under the pretext of protecting the rights of ethnic Russians. His delegation considered that the actions of any State for the protection of the human rights of minorities living in another State could not and should not lead to interference in the latter's internal affairs. Such actions contradicted the fundamental principles of international law and should be condemned by the international community.

53. The successful promotion and protection of human rights throughout the world greatly depended on the efforts of all Member States. His Government was committed to the major human rights instruments and would continue to implement their provisions.

AGENDA ITEM 110: PROMOTION AND PROTECTION OF THE RIGHTS OF CHILDREN (continued) (A/C.3/50/L.31/Rev.1)

54. The CHAIRMAN drew attention to the draft resolution entitled "The girl child" in document A/C.3/50/L.31/Rev.1.

55. Mrs. LEGWAILA (Botswana), speaking on behalf of the States of the Southern Africa Development Community (SADC), and introducing the draft resolution on behalf of its sponsors, said that, although it acknowledged the need to protect the rights of all children, the draft resolution recognized that the girl child was particularly neglected in some societies.

56. The considerable number of States sponsoring the draft resolution reflected the fact that the rights of the girl child were widely considered to be of great importance. Albania, Algeria, Azerbaijan, Bosnia and Herzegovina, Italy, the Solomon Islands and Turkey had added their names to the list of sponsors. She hoped that the Committee would approve the document by consensus.

The meeting rose at 12.40 p.m.

UNITED NATIONS

General Assembly

FIFTIETH SESSION

Official Records

THIRD COMMITTEE
49th meeting
held on
Monday, 4 December 1995
at 3 p.m.
New York

SUMMARY RECORD OF THE 49th MEETING

Chairman: Mr. TSHERING (Bhutan)

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Distr. GENERAL
A/C.3/50/SR.49
31 January 1996
ENGLISH
ORIGINAL: FRENCH

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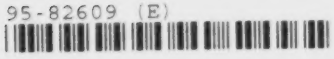
95-82609 (E)



The meeting was called to order at 3.25 p.m.

AGENDA ITEM 112: HUMAN RIGHTS QUESTIONS (continued) (A/50/3)

(a) IMPLEMENTATION OF HUMAN RIGHTS INSTRUMENTS (continued) (A/50/40, A/50/44, A/50/75-E/1995/10, A/50/78-E/1995/11, A/50/93-E/1995/16, A/50/122-E/1995/18, A/50/160, A/50/164, A/50/469, A/50/472, A/50/505, A/50/512, A/50/755)

(b) HUMAN RIGHTS QUESTIONS, INCLUDING ALTERNATIVE APPROACHES FOR IMPROVING THE EFFECTIVE ENJOYMENT OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS (continued) (A/50/57, A/50/80, A/50/173, A/50/188, A/50/343, A/50/440, A/50/446, A/50/452, A/50/495, A/50/514, A/50/566, A/50/653, A/50/678, A/50/681 and Add.1, A/50/682, A/50/685, A/50/698, A/50/714, A/50/729, A/50/736, A/50/765-S/1995/967; A/C.3/50/5, A/C.3/50/6)

(c) HUMAN RIGHTS SITUATIONS AND REPORTS OF SPECIAL RAPPORTEURS AND REPRESENTATIVES (continued) (A/50/57, A/50/61-S/1995/16, A/50/69-S/1995/79, A/50/71-S/1995/80, A/50/81, A/50/92-E/1995/15, A/50/96, A/50/178, A/50/183, A/50/207, A/50/220, A/50/268-S/1995/531, A/50/269-S/1995/536, A/50/281, A/50/285-S/1995/573, A/50/287-S/1995/575, A/50/296-S/1995/597, A/50/302-S/1995/594, A/50/329, A/50/354-S/1995/696, A/50/358-S/1995/712, A/50/441-S/1995/801, A/50/471, A/50/558, A/50/567, A/50/568, A/50/569, A/50/661, A/50/662, A/50/663, A/50/709-S/1995/915, A/50/727-S/1995/993, A/50/734, A/50/767, A/50/782; A/C.3/50/9)

(d) COMPREHENSIVE IMPLEMENTATION OF AND FOLLOW-UP TO THE VIENNA DECLARATION AND PROGRAMME OF ACTION (continued) (A/50/36)

(e) REPORT OF THE UNITED NATIONS HIGH COMMISSIONER FOR HUMAN RIGHTS (continued) (A/50/36, A/50/743)

1. Mr. GAMBARI (Nigeria) pointed out that Nigeria was a party to the principal international human rights instruments and that the Government had recently reaffirmed its commitment to the Vienna Programme of Action. The trial which had led to the execution of nine persons found guilty of the murder of four leaders of the Movement for the Survival of the Ogoni people (MOSOP) and which had aroused emotional and, in some cases, hostile reactions from the international community had been duly conducted in compliance with Nigerian legislation. It had not been a military tribunal. The death penalty fell within the purview of the State, which had the responsibility of ensuring that no one committed murder with impunity and that no one was above the law. Imposition of the death penalty in accordance with the law was not a violation of human rights; more than half of the Member States of the United Nations still had the death penalty in their statute books.

2. More fundamentally, protection of human rights should not serve as a pretext for interference in the internal affairs of a State. In the case under consideration, some Member States of the United Nations were attempting to

denigrate Nigeria and undermine its economic base by preventing it from protecting and promoting a particularly important fundamental right of Nigerian citizens: the right to development.

3. With respect to the Vienna Declaration and Programme of Action, his delegation reaffirmed Nigeria's commitment to promote and protect the rights of women and the girl-child as an integral part of human rights as restated in the Beijing Platform for Action. His Government was also firmly committed to protection of the rights of children and welcomed in that connection the assistance offered by many Members of the United Nations, various United Nations agencies (including the United Nations Children's Fund (UNICEF), the World Health Organization (WHO) and the United Nations Development Programme (UNDP)) and non-governmental organizations.

4. His delegation would like powerful States to stop trying to impose on others their own criteria relating to human rights. A better approach would be to make the work of the High Commissioner on Human Rights and the Centre for Human Rights more objective and transparent so that the deliberations of the Commission on Human Rights and of the Third Committee could command the respect they deserved. That was necessary if the credibility of the United Nations human rights mechanism was not to be sacrificed in the attempt by a few powerful Members to project their foreign policy objectives - even at the expense of the relatively weaker States - under the guise of promotion of human rights.

5. His delegation would support all genuine efforts to improve human rights conditions in both the developed and the developing countries, since the promotion of human rights was both an investment in and insurance for peace and security. It was in the best interests of all States to support genuine efforts devoid of any hidden political interest and to that end, to enter into a frank dialogue and to emphasize crisis prevention rather than simply reacting to human rights violations which usually accompanied crises. It was in that spirit that his delegation supported the appeal for new human and financial resources launched by the High Commissioner for Human Rights. Similarly, the Centre for Human Rights would, in its view, remain a significant catalyst in the promotion of human rights and in the management of technical cooperation and assistance to Member States. In the context of such assistance, the training of law enforcement agents and their role in the promotion of human rights among the citizenry should be emphasized.

6. His delegation considered that efforts should be made: (a) to enhance international cooperation and assistance for the implementation of the Programmes of Action; (b) to disseminate information on human rights instruments; (c) to provide the necessary human and financial resources to the Centre for Human Rights to enable it to discharge its mandate effectively; (d) to respect the three basic principles of non-selectivity, impartiality and objectivity on human rights issues in order to enhance the credibility of the United Nations system; (e) to better coordinate the activities of the United Nations agencies dealing with human rights issues so as to avoid duplication and ensure optimal use of available resources and (f) to ensure that governmental institutions cooperated with non-governmental organizations and individuals in the implementation of programmes of action for the promotion and protection of human rights in Member States.

7. Mr. DANESH-YAZDI (Islamic Republic of Iran), speaking on agenda item 112 (c), said that his country attached great importance to human rights and that the precepts of Islam in that regard were no less stringent than those of the Universal Declaration of Human Rights. On the basis of its religious convictions and cultural peculiarities, the Islamic Republic of Iran had established meaningful cooperation ties with the United Nations on human rights.

8. During the previous year, his Government had responded to allegations received from the Special Representative of the Commission on Human Rights on the situation of human rights in the Islamic Republic of Iran, the special rapporteurs on certain issues, some working groups of the Commission on Human Rights and of other governmental and non-governmental organizations (see document A/50/661), had made use of the services of the Centre for Human Rights in drafting its thirteenth periodic report to the Committee on the Elimination of Racial Discrimination, had established the Commission on Islamic Human Rights in accordance with the recommendations of the World Conference on Human Rights, had invited the Special Rapporteur of the Commission on Human Rights on religious intolerance and the High Commissioner for Human Rights to pay official visits to the Islamic Republic of Iran, had enhanced cooperation with the Working Group on Enforced and Involuntary Disappearances and had also established a close working relationship with the new Special Representative appointed to monitor the human rights situation in the Islamic Republic of Iran; his delegation welcomed the latter's appointment. In an atmosphere free from political pressure, existing cooperation could be strengthened. In that connection, it had become clear from the statements of the delegations of a number of countries of the European Union during contacts with the Islamic Republic of Iran, in connection with a draft resolution which had been informally circulated, that those countries were continuing their political manoeuvres against his country.

9. Since the Special Representative had not dealt with any substantive issues in his report (A/50/661), the report required only a non-substantive resolution, which could be adopted by consensus, thus enabling him to get off to a good start. Unfortunately, the sponsors of the draft resolution had opted for a provocative and controversial text, which was alien to the spirit of the Special Representative's report and was intended to undermine the full cooperation of the Islamic Republic of Iran with human rights bodies and mechanisms.

10. An impartial observer could not help but wonder why the European Union was presenting a draft resolution almost identical to that which had been adopted at the forty-ninth session of the General Assembly, even though the latest report submitted to the Assembly (A/50/661) contained none of the allegations reflected in the draft resolution and was different in content, structure and circumstances of presentation from the one presented at the forty-ninth session. Moreover, more than half of the paragraphs were exactly the same as those of resolution 1995/68 of the Commission on Human Rights and, contrary to usual practice, reflected only one paragraph of the Special Representative's report. The draft resolution also suffered from the fact that the paragraphs which reflected new developments in the situation of the Islamic Republic of Iran were limited to six, one of which again referred to the outdated report of the former Special Representative.

11. With regard to paragraph 4, the European Union had forgotten that Salman Rushdie was an offender under international law and under the constitutions of a number of countries, including some European States (for example, articles 19 and 20 of the International Covenant on Civil and Political Rights, article 166 of the Penal Law of the Federal Republic of Germany and article 100 of the Norwegian Constitution). It should also be noted that Iran was not the only country to condemn Salman Rushdie and that the Organization of the Islamic Conference had strongly condemned the blasphemous book, The Satanic Verses.

12. With regard to the eighth preambular paragraph and also paragraph 7, there was no evidence to support the allegation that the Islamic Republic of Iran was responsible for several assassinations committed outside of Iran; however, Iranian diplomats posted abroad had been the victims of terrorist acts. There were many instances where a terrorist group had assassinated not only Iranian citizens and diplomats living abroad but some of their own members; such a situation had recently arisen in Denmark. With regard to the tenth and eleventh preambular paragraphs, if the sponsors of the draft resolution had really intended to reflect the changes which had taken place, they should have mentioned that the High Commissioner for Human Rights had been invited to visit the Islamic Republic of Iran and that cooperation had been established with the working groups of the Commission on Human Rights, including the Working Group on Enforced or Involuntary Disappearances. Similarly, the twelfth and thirteenth preambular paragraphs and also paragraph 2 were simply word-for-word repetitions of resolution 1995/68 of the Commission on Human Rights or resolutions dating from the 1980s and contained allegations which were so vague and baseless that they could not justify the continued monitoring of the human rights situation in the Islamic Republic of Iran.

13. The most serious of those allegations concerned minorities living in Iran, such as the Christian community. The Islamic Republic of Iran took pride in the fact that Muslims and Christians had been living peacefully together in that country for hundreds of years. The assassination of the three pastors could not change that history; the Iranian Government had spared no effort to bring the perpetrators to justice; they had been given a fair trial before an audience which had included representatives of several of the countries which had sponsored the draft resolution, and had been convicted.

14. The fourteenth preambular paragraph reflected the sponsors' disappointment at the fact that the Special Representative's report could not be exploited for political purposes. The fifteenth paragraph merely referred to the outdated reports of the former Special Representative, without referring to the subsequent investigation and the comprehensive replies which had been provided to the Special Representative. The sixteenth preliminary paragraph assumed that continued scrutiny of human rights and fundamental freedoms in the Islamic Republic of Iran was warranted, without giving any justification, whereas, in fact, the Special Representative had stated in his report that he was not in a position to discuss matters of substance.

15. Depending on the circumstances, the sponsors alternately claimed that they were unable to adopt a procedural resolution or, on the contrary, that they were obliged to do so. Such a politicization of human rights called for concerted

action to reveal the ulterior motives of the sponsors and to reject the draft resolution. To the so-called champions of human rights who had ignored the massacres and ethnic cleansing in the heart of Europe and shed crocodile tears for an individual who had insulted a great religion and more than one billion of its followers, the Islamic Republic of Iran replied that it was only through cooperation and dialogue that countries with different cultures could be helped to live together in peace. For its part, it would continue to uphold Islamic values and principles and to work with all those who were genuinely interested in the protection of human rights.

16. His delegation would vote against the draft resolution and called upon other Member States to do likewise.

17. Ms. KARINA (Latvia), speaking on agenda item 112 (d), recalled that at the Vienna Conference, Member States of the United Nations had committed themselves to the promotion of universal respect for human rights in accordance with the Charter of the United Nations and other international instruments. Since that time, they had had an opportunity to reaffirm their commitment by creating the post of High Commissioner for Human Rights and supporting the various United Nations bodies concerned. While Governments had the primary responsibility for the protection of human rights, the United Nations also had an important role in that area and must be provided with the necessary financial resources. On a positive note, like many countries, Latvia had committed itself to implementing the recommendations of the Vienna Declaration and Programme of Action, and had created a national programme for the promotion and protection of human rights whose goals were to protect the rights of the most vulnerable groups in society, foster public awareness and promote education in the field of human rights, areas to which little attention had been given during the past 50 years of occupation. With the support of organizations such as the Centre for Human Rights, the United Nations Development Programme (UNDP) and the Organization for Security and Cooperation in Europe (OSCE), Latvia had recently created a national human rights office whose task it was to promote those rights in accordance with Latvian and international law by disseminating information on the rights and responsibilities of individuals and of the State. Her delegation was pleased to note that numerous Governments were working to protect human rights, both by creating national institutions devoted to that purpose and by cooperating with the Special Rapporteurs. However, in certain parts of the world, the human rights situation was not improving and, in some cases, was even deteriorating; in that regard, Latvia supported the statement made by the representative of Spain on behalf of the European Union, particularly with respect to the situation in Chechnya, and hoped that the authorities of the Russian Federation would heed the recommendations of the Human Rights Committee on that matter.

18. Mr. EVRIVIADES (Cyprus) said that the United Nations system had made great progress in the defence of human rights since the end of the Second World War, but that it was not yet adequately equipped to meet the growing demands that confronted it in that area. Nothing could be more important than meeting that responsibility, which was the raison d'être of the United Nations. At the Vienna Conference on human rights, the international community had recognized that human rights were universal, indivisible and interdependent and had charted a course of action in the field of human rights into the next century; however,

its attention and efforts must be focused on the implementation of all existing human rights instruments, not only so that the perpetrators of human rights violations could be condemned but so that the rule of law should be respected in the future.

19. The situation in Cyprus had not changed, and the flagrant violation of all human rights instruments there was continuing. Turkey was bent on partitioning the island by force, thus violating both the individual and collective human rights of the population. As indicated in the report made public by the European Commission of Human Rights on 2 April 1992, nearly 200,000 Greek Cypriot refugees were being denied their basic right to return to their homes and property as part of the "ethnic cleansing" policy initiated by Turkey before it was ever applied in Bosnia and Herzegovina. The Turkish army of occupation was preventing Greek Cypriots and Turkish Cypriots from moving freely within their own country, in flagrant violation of the many resolutions of the Commission on Human Rights reiterating the need for the full restoration of human rights to the population of Cyprus and in particular to the refugees. In flagrant violation of article 49 of the Fourth Geneva Convention, which stipulated that the occupying Power should not transfer parts of its own civilian population into the territory it occupied, settlers from mainland Turkey were being installed in the occupied part of the island and were being given land and houses belonging to displaced Greek Cypriots. Violations of that kind were considered war crimes under the Fourth Geneva Convention. Some 21 years after the invasion of the island, the fate of the missing persons had not yet been ascertained.

20. In its policy in Cyprus, Turkey was violating not only the international human rights instruments but also a great many General Assembly and Security Council resolutions, which had remained a dead letter. Turkey must respect the collective will of the international community and implement the relevant resolutions of the General Assembly and the Security Council. If it did not do so, the Security Council must adopt the necessary measures under Chapter VII of the Charter of the United Nations to ensure their implementation, as it had done in other cases.

21. The people of Cyprus, who were struggling tenaciously to rebuild their country, hoped to be able to exercise their rights and fundamental freedoms in a unified Cyprus that was a member of the European Union.

22. Mr. AL-SAEID (Kuwait) said that human rights questions were of particular importance for Kuwait not only because the country had been occupied by Iraq in 1991, when there had been gross violations of human rights, but also because of the after-effects of the occupation. Iraq was continuing to hold Kuwaitis and refused to cooperate with the International Committee of the Red Cross on their release. The fact that Iraq had recently participated in the meetings of the Tripartite Committee, as indicated in the report of the Special Rapporteur on the situation of human rights in Iraq (A/50/734), did not mean that the problems had been solved. The Third Committee should therefore make it clearly understood to Iraq that its formal participation in such meetings was not enough and that it must release all Kuwaiti prisoners. As indicated in the same report, the human rights situation in Iraq was very disturbing. The international community must show more firmness towards the Iraqi regime, which

had sole responsibility for the suffering of the people since it had rejected the offer made in Security Council resolution 986 (1995) that would have allowed it to benefit from the sale of petroleum and to improve its internal situation.

23. His delegation hoped that the peace agreement recently concluded in Dayton (United States of America) by the parties to the conflict in Bosnia and Herzegovina would make it possible to enforce respect for human rights in that country. It should nevertheless be noted that the Bosnian Serbs were continuing to practise "ethnic cleansing"; those guilty of such practices should be brought before the International Tribunal for the former Yugoslavia.

24. His country would participate in all international human rights forums and reaffirmed its desire to take an active part in the work of the relevant United Nations bodies. It was convinced that the cooperation of the members of the international community in the human rights field was a positive element and was essential.

25. Mr. BORDA (Colombia) said that the achievement of international cooperation in the service of development and the promotion of respect for human rights were two of the primary objectives of the Organization. There had been great progress in the human rights field since the establishment of the Organization, but, as the Vienna World Conference on Human Rights had stressed, the relevant instruments must be strengthened in order to make them more effective and so as to establish a better balance between civil and political rights, on the one hand, and economic, social and cultural rights, on the other. The creation of the post of United Nations High Commissioner for Human Rights was of great importance. The Conference's reaffirmation of the right to development as a universal and inalienable part of fundamental human rights had been one of its principal achievements. His delegation was pleased that, in his report (A/50/36) and in his statement to the Committee, the High Commissioner for Human Rights had proposed measures for the realization of that right. It awaited with interest the results of the strategy outlined in his report. It agreed with him that a restructured Centre for Human Rights should accord a prominent place to the right to development in the activities of all its branches.

26. The implementation of the right to development encountered numerous obstacles. In order to define the nature of those obstacles and formulate recommendations on how that right should be implemented, the Commission on Human Rights had established a Working Group on the Right to Development, and in 1993 the Vienna Conference had urged the Working Group to submit to the General Assembly, without delay, measures for the effective follow-up of the Declaration on the Right to Development. Although the Working Group had completed the work of its fifth session some weeks previously, it had not yet issued its report, and his delegation was therefore unable to comment on it, as had been its intention. After careful study of that report, the Commission on Human Rights should consider the advisability of convening it once more. In the view of his delegation, identifying the obstacles to the implementation of the right to development and studying the means of eliminating them were matters of urgency.

27. The adaptation of the United Nations human rights machinery to current and future needs had been mentioned in paragraph 95 of the High Commissioner's report. As a member of the Movement of Non-Aligned Countries, Colombia hoped

that the Working Group of the Commission on Human Rights on that question would soon be able to resume work, and it was ready to participate actively in that work. The strengthening of the United Nations human rights machinery should in no event be carried out at the expense of the Organization's programmes and activities for development.

28. His country was currently in the grip of many problems (armed conflicts, drug traffic, an increase in crime and unpunished crime, poverty, etc.) that had a direct impact on its human rights situation. In its determination to promote and defend human rights and maintain the rule of law, the Colombian Government had taken sundry measures to those ends in 1994. It had, for example, transmitted a proposal for negotiations to the armed groups that was consistent with the human rights instruments and international humanitarian law. It had also introduced a bill for Colombia's accession to the second Additional Protocol to the Geneva Conventions of 1949, and the bill had been adopted by the Congress and endorsed by the President in December 1994. It should be emphasized in that regard that Colombia had acceded to the Protocol without any reservations; that fact indicated not only its solicitude to respect the principles enunciated therein but also its desire to serve notice on the armed groups that they also must respect the rights of the Colombian people and, in particular, those of the members of the police force. The Government had also sponsored a bill which, if adopted, would allow it to pay any compensation ordered by the Inter-American Commission on Human Rights or the United Nations Human Rights Committee; it had established a commission to analyse and evaluate the implementation of the recommendations of United Nations human rights bodies; and it was currently endeavouring to bring its national legislation into line with the legal norms embodied in the international instruments to which Colombia was not yet a party. His Government, with the financial support of the Government of the Netherlands, had created a network for communication between governmental human rights bodies and the relevant non-governmental organizations that would allow the instantaneous reception and transmission of information relating to human rights violations, promote the effective protection of the population against such violations and ensure systematic follow-up to the action taken. It hoped that, within three years, the network would have 500 access points throughout the country. It was currently preparing an integrated plan of action to combat the so-called "paramilitary" groups that had sown death and terror in rural areas, and planned to reactivate a special armed group capable of tackling those groups successfully.

29. The delegation of Colombia also wished to note that recently, the Special Rapporteur on extrajudicial, summary or arbitrary executions, the Special Rapporteur on questions relating to torture and the United Nations High Commissioner for Human Rights had visited Colombia at the invitation of the Colombian Government. Moreover, it had invited the following United Nations agencies and officials to visit Colombia in the near future: Working Group on Arbitrary Detention, Special Rapporteur on the independence of judges and lawyers, Special Rapporteur on extrajudicial, summary or arbitrary executions, Working Group on Enforced or Involuntary Disappearances, Representative of the Secretary-General on internally displaced persons and the Special Rapporteur on questions relating to torture. Finally, under the auspices of the Colombian Government, the development of the human rights education programme for public security officers would be continued.

30. The Colombian Government would continue resolutely to promote and defend human rights. It would not hesitate to take the measures required to achieve that goal and would continue to cooperate with international agencies for the protection of human rights, as part of its policy of openness.

31. Mr. KEATING (New Zealand), speaking on agenda item 112 (a), (b) and (c) said that the United Nations system had developed a body of international law and mechanisms to monitor its observance, particularly through educational and preventive initiatives and investigative procedures. It was incumbent on the United Nations system and on Governments to ensure that the instruments embodying human rights law were fully, effectively and efficiently implemented, but Governments were also accountable to the international community if human rights were not respected in their countries.

32. Turning to the situation in Nigeria, New Zealand had supported the decision by the Commonwealth to suspend its membership. That decision was primarily a condemnation, but was also intended to encourage Nigeria to return to democracy. New Zealand had attempted to find common ground among the many delegations which believed that the United Nations should condemn the Nigerian regime, but it was clear that the text of the draft resolution had not attracted a consensus. He hoped that most of the difficulties could be resolved before the Committee had to take a decision on it.

33. As far as the former Yugoslavia was concerned, while his delegation hoped that the flagrant human rights abuses which had characterized that conflict would quickly come to an end, respect for human rights must form an integral part of any peacemaking process. The international community must do everything possible to break the cycle of hate and revenge in the region. Member States must meet their commitments in terms of financial support for the International Tribunal so that investigations and trials could proceed. New Zealand hoped that the peace agreements would have a positive impact on the situation of the Albanian minority in Kosovo. The Federal Republic of Yugoslavia had shown its willingness to cooperate with United Nations representatives, and it was to be hoped that the climate of cooperation would result in the establishment of an international monitoring presence in Kosovo.

34. Regarding Myanmar, New Zealand welcomed the decision of its authorities to release Daw Aung San Suu Ky, free other political leaders and establish a dialogue with the representative of the Secretary-General. Sadly, those positive trends had not yet been followed by a true movement towards democracy and respect for human rights, or by the establishment of a climate of reconciliation and political dialogue. The resolution that would be adopted by the General Assembly should encourage the authorities to move quickly towards democratic rule.

35. The situation in Rwanda was characterized by some degree of stability and many initiatives to assist the country to achieve national reconciliation and establish a society based on respect for law and fundamental human rights. Those initiatives, in particular the establishment of an International Tribunal and a human rights field operation, were threatened by a lack of financial support. His delegation urged Member States to pay their assessed contributions

relating to the Tribunal and to lend support to the field operation. It also called for full cooperation with the Tribunal.

36. The report of the Special Rapporteur on the situation of human rights in Iraq (A/50/734) concluded that there had been no sign of improvement in that country. His delegation was dismayed at the ruthless oppression imposed by the Iraqi authorities and their refusal to sell oil to buy food, which had been proposed by the Security Council. Such a policy in its own right constituted a flagrant human rights violation.

37. The Government of New Zealand welcomed the initiative of the Iranian Government to invite the Special Representative on the situation of human rights in Iran to visit and looked forward to receiving his report.

38. There had been some positive developments in the situation in Cuba during 1995, including the Government's decision to ratify the United Nations Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, and the release of some political prisoners. However, the overall situation remained cause for concern. Some countries, nevertheless, had experienced considerable improvements in their situations, in particular Haiti and El Salvador. In conclusion, the international community must ensure universal respect for human rights and must be ready to provide the mechanisms for the protection of human rights with the necessary human, material and financial support.

39. Mrs. BENNANI (Morocco) said that the obstacles encountered in the promotion and protection of human rights required special attention and international cooperation in the areas of advisory services, education, information and development programmes and policies drawn up by Governments. The world was currently passing through a period of multiple conflicts - of ethnic or religious origin - violence, intolerance, discrimination and denial of basic rights. Despite progress in science and technology, the victims of hunger, disease, armed conflict, exploitation or slavery were legion, without taking into account marginalized groups such as the homeless, the unemployed, members of minority groups, refugees or migrant workers. None of those individuals knew the meaning of the term "human rights". Nevertheless, since the end of the cold war, the universal protection of human rights had entered a new phase. Indeed, the 1993 Vienna Conference, in its Declaration and Programme of Action adopted by consensus, had encouraged Member States to consider respect for human rights as a priority, like development and democracy since those three goals were intrinsically linked. Poverty, injustice and bias must also be eliminated. The protection of human rights should be ensured world wide and no considerations, political or otherwise, should serve to justify inaction in the face of gross violations of human rights.

40. Governments must now demonstrate their political will by making the citizens aware of the need to guarantee human rights through the strengthening of civic and moral education. It was equally necessary to ensure the development of socio-economic rights and to seek international solidarity and more equitable international economic cooperation. Since the goal of the United Nations was to genuinely improve the human condition while respecting the dignity and cultural identity of every nation or group of human beings, it was

surely aware that the quality of life in society had been deteriorating and that even the social fabric was being torn to shreds. It must be aware of the aspiration of all human societies to a safer and more decent life as the twentieth century ended. Nor should the United Nations allow fundamentalists of all stripes, who posed a threat to the universal achievements secured through international human rights instruments, to seize the monopoly on straightening ethical values.

41. Aware of the importance of a human rights culture and of the need to strengthen the democratic process, her Government had implemented a series of legislative, administrative and educational measures recommended by the advisory committee on human rights, a national body established in 1990, which was composed of representatives of the entire political, social and religious spectrum of Moroccan society. For instance, education concerning human rights and the international conventions to which Morocco was party had been included in the curricula of institutes that trained managers or civil servants, including the legal professionals, the police and gendarmerie. Since 1994, the curricula of primary and secondary schools also included human rights issues pursuant to an agreement signed by the Minister responsible for human rights and the Minister of Education. In 1992, the people of Morocco had approved the revision of the Constitution, which solemnly proclaimed Morocco's commitment to universally recognized human rights. That instrument allowed the new Parliament, resulting from free and fair elections, to contribute to the process of consolidating the rule of law. Moreover, Morocco had just established a new standing body, the National Children's Congress, which was mainly responsible for monitoring the implementation of the Convention on the Rights of the Child, ratified by Morocco in 1993.

42. Her delegation hoped that the Dayton Agreement would restore peace to Bosnia and Herzegovina, while ensuring that Serbian war criminals would be brought before the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Law Committed in the Territory of the Former Yugoslavia since 1991.

43. Ms. SHARFMAN (Israel), speaking on agenda item 112 (b), said that her country had been involved in the Second and Third International Workshops on National Institutions for the Promotion and Protection of Human Rights which had been held respectively in Tunis in December 1993 and Manila in April 1995. Those workshops had reaffirmed that the mandates of national institutions should be as broad as possible and that they should be established by Constitutions or other legislative instruments without any discrimination against women. The first European Workshop on National Institutions for the Promotion and Protection of Human Rights, organized in November 1994, had been attended by 17 European countries, which had identified specific forms of racism and proposed measures to be taken at the national level as well as regional cooperation to combat intolerance and racism. The Council of Europe had drawn up a Plan of Action on Combating Racism, Xenophobia, Anti-Semitism and Intolerance.

44. Her delegation felt that national institutions were essential to the practical fulfilment of democracy through oversight and the emphasis on the protection of human rights. However, there was a need for greater independent

oversight, which should be conducted by an ombudsman, a human rights commissioner and a State comptroller. An ombudsman's role was to ensure that all citizens had the opportunity to bring complaints against any governmental branch, agency or body and even to take grievances all the way to the high court of justice. A human rights commissioner could be empowered to deal with human rights violations, encourage governmental activity and coordinate international activities. A State comptroller, for his part, would ensure government accountability. The State Comptroller of Israel had two functions: auditing the accounts of the State and investigating complaints from the public. Among other responsibilities, he examined the legality, morality, integrity, orderly management, efficiency and economy of the inspected bodies, namely, the public administration in its widest sense. The Comptroller had constitutional independence because he was responsible only to the Knesset and had full access to all information, even information of a confidential nature. In his position as Ombudsman, he had wide powers of investigation. All citizens of Israel, residents, tourists, inhabitants of the territories administered by Israel and Israelis abroad had the right to submit a complaint to the Ombudsman. Israel did not have a human rights commissioner. The activities of such a position were presently carried out by non-governmental organizations such as the Civil Rights Association, women's or children's rights groups and the Movement for Governmental Quality. Since such organizations enjoyed extensive access to the Knesset and to government decision makers, they influenced legislation on human rights issues while preserving their right to criticize government policies in that field. Given the central role played by national institutions in the protection of human rights, her country would continue to support their efforts and to preserve their independence.

45. Mr. KAMAL (Pakistan), speaking on agenda item 112 (c), said that, while there were many types of human rights violations, the primary concern of the United Nations was the systematic violation of human rights committed by States and persons in authority and that the United Nations could influence Member States to take legislative, administrative and judicial measures to promote and protect human rights. If, because of political considerations, human rights violations in some parts of the world could not be overlooked, a selective and partial approach which used human rights to target a particular country or a group of countries could only undermine the credibility of the United Nations human rights machinery. At the same time, it was argued that human rights should not be politicized while human rights situations were inextricably linked to political factors. In fact, if the root causes of human rights violations were removed, human rights situations had a better chance of improving, as had been demonstrated in Cambodia, Haiti, El Salvador and South Africa.

46. The international community's reaction to the massive human rights violations in Bosnia and Herzegovina had been slow and feeble. That had encouraged the aggressors to pursue their genocide. The international community had nevertheless established an International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Law Committed in the Territory of the Former Yugoslavia since 1991. Moreover, the High Commissioner for Human Rights had begun to intervene in human rights crises and the human rights units operating within peace-keeping operations in Rwanda and Burundi had started new processes which could contribute to the protection of human rights.

47. For four decades, India had unsuccessfully tried to maintain its illegal occupation of Jammu and Kashmir, whose people had risen in the late 1980s to demand their right to self-determination promised to them by the Security Council. The 600,000 troops that India had deployed to terrorize and break the will of the people of Kashmir had killed some 50,000 civilians in the previous five years. In violation of all human rights instruments, India had launched State-sponsored terrorism, committing organized massacres and custodial murders, carrying out extrajudicial and arbitrary executions and arson and denying all fundamental freedoms. All those violations had been widely reported by the international human rights organizations and international media.

48. In order to defend itself against the accusations made against it, India claimed that the problem was one of cross-border terrorism; however, India had yet to respond to Pakistan's proposals for the establishment of a neutral fact-finding mechanism or an increase in the number of United Nations observers along the line of control in order to ascertain the veracity of India's allegations of interference. India flaunted so-called measures of transparency to avoid any further scrutiny of the situation in Kashmir, forgetting that all those who had visited Kashmir, including the United Nations High Commissioner for Human Rights himself, had reported tales of terror and suppression by the Indian forces. India claimed that Kashmir was an integral part of its territory, although Kashmir was a disputed territory over which India had no sovereign jurisdiction, and was recognized as such by the United Nations. Thus, consideration of the human rights situation in the territory in no way constituted interference in the internal affairs of India, but was a necessary intervention to save the Kashmiris from Indian occupation and all its abuses. India also alleged that the movement in Jammu and Kashmir was one of religious extremism in order to denigrate the just cause of a people wishing to exercise its right of self-determination. India claimed that the Kashmir issue could be resolved through bilateral negotiations, about which it talked profusely in international forums in order to avoid any substantive discussion; however, when it sat down with Pakistan at the negotiating table, it was not ready to conduct such a discussion. India proposed the holding of elections in Jammu and Kashmir, but the method of elections it was suggesting had not been accepted by the Security Council; all the "elections" held in Kashmir under duress and military occupation had been rejected by the entire Kashmiri population and all Kashmiri political parties.

49. The crisis in Jammu and Kashmir could be resolved only through the implementation of the Security Council resolutions calling for a free and impartial plebiscite under the supervision of the United Nations to determine the will of the people. The international community should not take a neutral stance because of geopolitical, economic or commercial considerations. It was only through strong international intervention that India would be compelled to stop its violations of human rights in Jammu and Kashmir. The international community must, therefore, exert pressure on India to repeal its draconian laws, withdraw its troops from the territory, enter into a substantive dialogue on the question, and cooperate with the international community in holding a plebiscite in the territory. The Commission on Human Rights could begin by dispatching a fact-finding mission to Jammu and Kashmir; Pakistan urged the United Nations High Commissioner on Human Rights to follow up on his visit to the territory in May 1995.

50. Mr. SHAH (India) said that India, a pluralistic nation with well-established humanistic traditions of tolerance, harmony and non-violence, guaranteed fundamental human rights to all its citizens; those rights were enforced by an independent judiciary and jealously guarded by a free and vigilant press, an articulate public opinion and a vast network of non-governmental organizations.

51. India was encouraged that the international community had adopted the Vienna Declaration and Programme of Action, which underlined the universality, indivisibility and interdependence of all human rights, civil, political, economic, social and cultural, identified new forms of intolerance and violence and defined particularly vulnerable groups (children and minorities) who deserved special consideration.

52. His delegation was very disappointed that human rights issues were being made a matter of North-South confrontation. The accusations of human rights violations that were made, year after year, by many countries of the North against countries of the South (as if violations took place only in the developing countries) were indicative of a coordinated policy which was all the more deplorable in that the protection and promotion of human rights could be ensured only through tolerance, cooperation, pluralism and assistance among nations and not through confrontation, criticism, coercion or the politicization of human rights.

53. Terrorism was one of the most pernicious forms of human rights violation; India was deeply dismayed that there were still nations which were not convinced of that and that only States, Governments and security forces, which were legitimate mechanisms for the protection of human rights, were targeted for criticism and sanctions. Some even seemed more concerned about the human rights of terrorists than about those of their victims. India was therefore encouraged that several heads of State and Government had issued a forthright condemnation of terrorism, terrorist groups and States which sponsored them, regarding them as the primary threat which the United Nations must address, and that the Council of the European Union had issued the La Gomera Declaration on terrorism at the end of the meeting of Ministers of Justice and Home Affairs of the member countries of the European Union.

54. In the Vienna Declaration and Programme of Action, the right to development had finally, but belatedly, been recognized as a fundamental, inalienable and indivisible human right. India commended the United Nations High Commissioner for Human Rights for having initiated consultations on that question. A programme on the right to development must now be launched under section 21 of the proposed programme budget for the biennium 1996-1997, followed by further concrete measures to create a more favourable international economic environment for developing countries. The Commission on Human Rights should take up the suggestion of the Assistant Secretary-General for Human Rights that an intergovernmental group of experts should meet to consider the concept and implementation of the right to development until such time as the Working Group on the right to development was reconvened. Meanwhile, by means of a resolution, the Committee should give a mandate to the Commission on Human Rights to decide on the Working Group's composition and course of action.

55. At the national level, India had long ago set up institutions for the protection of human rights (national commission for minorities, national commission for women and national commission for human rights) which were autonomous bodies with wide-ranging powers of inquiry and redress. Those bodies advised the Government on legislation to be adopted in the areas they covered and monitored compliance with treaty obligations in cooperation with non-governmental organizations. The National Commission for Human Rights, for example, worked actively in the area of civil liberties; it reviewed laws, heard complaints, including complaints against the Government, and maintained contact with external organizations and the United Nations.

56. Believing that the human mind was the main source of all forms of intolerance and that the study of other cultures was bound to help combat them, India strongly supported human rights education. Without tolerance and a commitment to pluralism, States could not ensure the full enjoyment of all human rights. In that respect, it should be stressed that non-governmental organizations played an important role in promoting communication and knowledge. In India, those organizations were helping to promote intercommunal harmony and protect the interests of disadvantaged groups.

57. Turning to the report of the United Nations High Commissioner for Human Rights (A/50/36), a commendable document, his delegation noted that while the Vienna Declaration and Programme of Action had called for the adaptation of the human rights machinery, any change in the mandates must be closely scrutinized and approved by an intergovernmental body. While the administrative restructuring of the Centre for Human Rights fell within the scope of the Fifth Committee, it was the task of the Third Committee to study the restructuring of policy, ensuring that emphasis was placed on economic, social and cultural rights, which were being neglected because priority was still being accorded to civil and political rights. In the composition of the staff of the Centre for Human Rights and all human rights mechanisms and programmes, a proper geographical balance must be ensured in order to maintain the credibility of the system. The High Commissioner should exercise particular caution in collecting data on human rights so as to avoid any disinformation or intrusion.

58. The functioning of the treaty bodies should be monitored by the High Commissioner for Human Rights; their recent tendency to expand their mandates unilaterally, with the encouragement of some States, should be checked if States parties were to continue to cooperate with them. The "innovative" procedures devised by them and the studies or reports of experts appointed by the Centre for Human Rights should also come under the scrutiny of the Commission on Human Rights. As the High Commissioner had stressed, duplication should be avoided in the reports by States to treaty bodies and the International Labour Organization (ILO). One means of ensuring that would be for States to confine their reporting to the most relevant body and inform the High Commissioner or the Commission on Human Rights.

59. The Third Committee's Working Group on human rights had worked with maximum efficiency to set up the Office of the High Commissioner for Human Rights. His delegation trusted that the follow-up of the Vienna Declaration and Programme of Action would be undertaken in the same spirit.

60. Mr. KODELLAS (Greece), speaking on agenda item 112 (c), said that his delegation fully concurred with the statement made at the 39th meeting by the representative of Spain on behalf of the European Union on agenda item 112 (b) and (c).

61. However, he found it necessary to expound further on the problem of Cyprus, a State Member of the United Nations which had undergone a foreign military invasion. Human rights violations continued in that country, prolonging the sufferings of the population and creating an unpredictable situation which could hardly contribute to the stability and security of the volatile region of the south-eastern Mediterranean. Since the Turkish invasion of northern Cyprus in 1974, 200,000 Greek Cypriots had been forced by Turkish troops to abandon their homes and properties, which had been distributed to members of the Turkish occupation army and to the numerous Turkish civilians (more than 90,000) who had settled in the occupied territory. The result had been the continuing immigration of Turkish Cypriots (proof of which could be found in the Turkish Cypriot press), since the settlers were favoured by the occupying forces. It could thus be seen that the Turkish Government was quite methodically continuing to alter the demographic structure of the island, particularly in the occupied territory. The Greek Cypriot enclave in the occupied territory suffered from unacceptable living conditions and its inhabitants were subjected to oppression, discrimination, harassment and acts of violence; that explained the number of departures (of the 22,000 Greek Cypriots who had lived in the enclave in 1974, only 519 remained). Numerous United Nations reports on the situation of the Greek Cypriots in northern Cyprus brought out the fact that the Turkish Cypriot side had not carried out most of the commitments it had made under the third Vienna Agreement. Mention might also be made of the 1,619 missing persons or the systematic looting of the country's cultural heritage.

62. The Government of Turkey had done nothing to comply with the innumerable resolutions adopted by the United Nations Security Council and General Assembly or to honour the commitments it had undertaken by signing the international conventions for the protection of human rights. Not content with ignoring the international community's appeals, it had been trying for more than 20 years to neutralize the world's conscience in the expectation that the world community would become accustomed to the situation. Since there was no doubt whatsoever that respect for human rights in Cyprus went hand in hand with the efforts to find a just and viable solution to the problem, and that the status quo which had prevailed for 21 years had on many occasions been declared unacceptable by the United Nations and other international bodies, it was high time for the international community to act decisively to put an end to Turkish practices. No lasting solution would be possible as long as the Turkish occupying forces and settlers had not withdrawn from Cyprus and human rights and fundamental freedoms had not been restored.

63. His Government constantly followed a policy of good-neighbourliness and cooperation with Albania, supporting that country's efforts to promote political and economic reforms and providing it with economic support. Both countries believed that the Greek minority living in Albania, once subject to persecutions, helped to further their rapprochement and cooperation. That was an additional reason that the human rights of the Greek minority should be fully respected and that its members should be encouraged to stay in their homeland

and live in a safe environment. It was therefore with concern that his Government noted that certain restrictions continued to apply to the free exercise of their rights, particularly in the field of education, and it sincerely hoped that the Albanian Government, in conformity with its international commitments, would rectify that situation.

64. Mr. TÜRK (Slovenia), speaking as Chairman of the Working Group of the Third Committee, recalled that the Working Group had resumed its work on 15 September 1994 with the mandate of considering the question of the implementation of the recommendations of the Vienna Declaration and Programme of Action, as set out in paragraphs 17 and 18 of Part II of the Declaration (A/CONF.157/24).

65. During the forty-ninth session of the General Assembly, a number of delegations had contributed informal documents which had led to a broad exchange of views. In his capacity as Chairman of the Working Group, he had himself submitted two unofficial texts - an outline for discussion on 7 November 1994 and a non-paper on 5 December 1994 - which attempted to synthesize the ideas expressed in the informal documents circulated by various delegations. The non-paper had taken the form of a draft resolution reflecting the three substantive aspects of paragraph 17 of Part II of the Declaration. It had been discussed in several informal consultations. On 11 January 1995, the Working Group had agreed that further work should proceed on the basis of the non-paper and that it should meet again after the fifty-first session of the Commission on Human Rights.

66. Delegations had been particularly busy and active during the period between February and September 1995; that had affected the work of the Working Group, which had met on 3 May and 25 August. In addition, he himself had held a number of informal consultations. He had been informed during that period that the non-aligned countries had been preparing a series of amendments to the non-paper he had submitted. Several other delegations had also wished to make amendments to the text after the non-aligned countries submitted theirs. He had received the non-aligned countries' amendments on 28 November 1995 and had submitted them to the Working Group as a whole on 29 November. He wished to thank the delegation of Malaysia, which had coordinated the process among the non-aligned countries, and the delegations of Indonesia and, subsequently, Colombia, which had chaired the Movement of Non-Aligned Countries.

67. Other delegations would certainly make comments on the amendments prepared by the Movement of Non-Aligned Countries and would submit their own amendments, thus enabling a more intensified discussion on the basis of the non-paper. The discussions would probably begin around mid-January 1996; he hoped that the Working Group would have made substantive progress in its work in January and February 1996 and that it would have concluded its work by the end of the fiftieth session of the General Assembly, or before.

68. The CHAIRMAN said that if he heard no objection, he would take it that the Committee wished to recommend to the plenary that consideration of agenda item 112 (b) should not be concluded so that the Working Group could continue its work in 1996.

69. It was so decided.

The meeting rose at 6.15 p.m.